



ATHENS CITY COUNCIL SPECIAL SESSION AGENDA

Thursday, July 31, 2025, 5:30pm

**Athens Municipal Building
Burkett L. Witt Council Chambers**

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. CITIZENS COMMENTS GERMANE TO THE AGENDA**
- VI. NEW BUSINESS**
 - A. Conduct a public hearing for a proposed retail package store located at 312 Congress Parkway S.**
 - B. Act on the issuance of a certificate of compliance for the above-referenced application.**
 - C. Discuss and potentially act upon proposed updates to Article V - City Council of the Athens City Charter.**
 - D. Discuss and potentially act upon proposed updates to Article XX - Department of Education of the Athens City Charter.**
 - E. Discuss and potentially act upon proposed amendments to Title 13-III - Dilapidated and Unfit Structures and Areas of the Athens City Code.**
- VII. ADJOURNMENT**



Agenda Item

VI. A. Conduct a public hearing for a proposed retail package store located at 312 Congress Parkway S.

Overview

On May 20, 2025 Ordinance 1139 was approved, increasing the limit of retail package stores from two to three. An application period was set for June 20th – July 7th. During that period only one application was submitted.

Amar Patel has applied for a **Certificate of Compliance (CoC)** to operate a **retail package liquor store** within the City of Athens.

Under Tennessee Code Annotated § 57-3-208, no one can obtain a state retail package store license (to sell liquor for off-premises consumption) without first receiving a Certificate of Compliance (CoC) from the local government where the business will be located. This certificate is a prerequisite for applying to the Tennessee Alcoholic Beverage Commission (TABC).

Attached is the full text of Title 8-II of the Athens City Code and Tenn. Code Ann. § 57-3-208.

Action to Consider

Conduct Public Hearing

Affected Departments

City Manager's Office, Community Development, Police, and Finance

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

8-35 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, and wine capable of being consumed by a human being other than medicine or beer where the latter contains an alcohol content of five percent by weight or less. The term "alcoholic beverage" also includes any liquid product containing distilled alcohol capable of being consumed by a human being, manufactured or made with distilled alcohol, irrespective of alcoholic content. Products or beverages, including beer, containing less than one-half percent alcohol by volume, other than wine as defined in this section, shall not be considered an alcoholic beverage and shall not be subject to regulation or taxation pursuant to this chapter unless specifically provided.

Applicant means a person applying for a local liquor store privilege license or a certificate of compliance, as the context provides.

Applicant group means more than one person joining together to apply for a local liquor store privilege license or certificate of compliance, as the context provides, to operate a single liquor store pursuant to the same application.

Application means the form or other information an applicant or applicant group is required to file with the city in order to attempt to obtain a local liquor store privilege license or certificate of compliance, as the context provides.

Certificate of compliance means the certificate required in T.C.A. § 57-3-208 and subject to the provisions set forth in this chapter for issuance of such a certificate.

Co-licensees means persons who together hold a single liquor store privilege license for a single liquor store.

Federal statutes means the statutes of the United States now in effect or as they may hereafter be changed or amended.

Inspection fee means the monthly fee a licensee is required by this chapter to pay, the amount of which is determined by a percentage of the gross purchase price of all alcoholic beverages acquired by the licensee for retail sale from any wholesaler or any other source. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, such inspection fee shall be the same as if the local liquor store privilege license were held by a single licensee.

License fee means the annual fee a licensee is required by this chapter to pay prior to the time of the issuance or renewal of a local liquor store privilege license. In the event of co-licensees holding a local liquor store privilege license for a single liquor store, only one license fee is required.

Licensee means the holder of a local liquor store privilege license. In the event of co-licensees, each person who receives a certificate of compliance and liquor store privilege license shall be a licensee subject to rules and regulations herein.

Liquor store means the building or part of a building where a licensee conducts any of the business authorized by the local liquor store privilege license and state liquor license held by such licensee.

Local liquor store privilege license means a local liquor store privilege license issued under the provisions of this chapter for the purpose of authorizing the holder thereof to engage in the business of selling alcoholic beverages at retail in the city at a liquor store. Such a local liquor store privilege license

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

will only be granted to a person who has a valid state liquor retailer's license. One local liquor store privilege license is necessary for each liquor store to be operated in the city.

Manufactured building means a structure or building substantially or wholly made at a manufacturing plant for installation or assembly at a building site, whether referred to as a mobile home, modular home, manufactured home, panelized home, prefab home, factory-built home, or otherwise. The term "manufactured building" includes any structure transportable in one or more sections built or placed on a permanent chassis designed to be used with or without a permanent foundation.

Person means any natural person as well as any corporation, limited liability company, partnership, firm or association or any other legal entity recognized by state law.

Retail sale and sale at retail mean the sale to a consumer or to any person for any purpose other than for resale.

State law, rules and regulations means all applicable state laws, rules and regulations applicable to alcoholic beverages as now in effect or as they may hereafter be changed or amended, including, without limitation, the local option liquor rules and regulations of the state alcoholic beverage commission.

State liquor retailer's license means a license issued by the state alcoholic beverage commission pursuant to T.C.A. § 57-3-201 et seq., permitting its holder to sell alcoholic beverages at retail in the state.

Wholesaler means any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this chapter.

Wine means the product of normal alcoholic fermentation of juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 21 percent by volume.

(Ord. No. 1035, § 1(8-201), 3-17-2015)

8-36 Selling And Distribution Generally

It is unlawful for any person to engage in the business of selling or distributing alcoholic beverages within the corporate limits of the city except as provided by T.C.A. title 57 and by the rules and regulations promulgated thereunder and as provided under this title.

(Ord. No. 1035, § 1(8-202), 3-17-2015)

8-37 Licenses Required For Sale Of Alcoholic Beverages At Retail

It shall be lawful for a licensee to sell alcoholic beverages at retail in a liquor store, provided that such sales are made in strict compliance with all federal statutes, all state laws, rules and regulations, and all provisions of this chapter and any other applicable chapter and the Charter of the city, and provided that such licensee has a valid and duly issued state liquor retailer's license and a valid and duly issued local liquor store privilege license from the city permitting the licensee to sell alcoholic beverages at retail. Transfer of any ownership right or interest in a license is prohibited. Possession of any alcoholic beverage by a licensee in any manner other than by retail sale is prohibited.

(Ord. No. 1035, § 1(8-203), 3-17-2015)

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

8-38 Licensee Responsible For Officers And Agents

Each licensee shall be responsible for all acts of such licensee, as well as the acts of a co-licensee, and acts of the licensee's officers, employees, agents and representatives so that any violation of this Code or the city Charter, or of any state or federal law concerning alcoholic beverages by any co-licensee, officer, employee, agent or representative of a licensee shall constitute a violation of this chapter by such licensee.

(Ord. No. 1035, § 1(8-204), 3-17-2015)

8-39 Location Of Liquor Store

- 1) It is unlawful for any person to operate or maintain a liquor store for the retail sale of alcoholic beverages in the city unless at a location approved by city council. All such stores shall only be located within a B-2 or B-3 business district.
- 2) Moreover, in no event shall such store be located within 500 feet of any building used as a school or church. The minimum distance requirement from a church shall only be applicable provided a church service is held at the church premises at least on one day of each week.
- 3) The minimum distance requirement from a school shall only relate to any public school operated by the city or county or a private school, provided such school is licensed and accredited by the state to provide and is providing a kindergarten, elementary, or secondary education to students at the premises.
- 4) Excepting any existing buildings currently subject to previous requirements, the minimum distance requirement in this section from certain buildings shall be measured in a straight line between the middle of the main entrance of the building proposed to sell alcoholic beverages and the front door of the building from which there must be a minimum distance.
- 5) The minimum distance requirement in this section from certain buildings shall not be applicable with respect to the building of a local liquor store privilege licensee located within the downtown business district, which is defined as that area within the interior of the boundaries of Baxter Street, College Street, Hill Street, and Park Street. No liquor store shall be located where the operation of a liquor store at the premises contemplated by an application would unreasonably interfere with public health, safety, or morals.

(Ord. No. 1035, § 1(8-205), 3-17-2015; Ord. No. 1116, § 1, 5-16-2023)

8-40 Requirements For Building Containing Liquor Store

- 1) No liquor store shall be located within a manufactured building as defined in ACC 8-35. All liquor stores shall be located within a newly constructed building or within an existing building to be renovated or refurbished. The plans for any new building or for the renovation or refurbishing of an existing building must be approved by the city community development office and the city council.
- 2) The front of the building must have a brick facade.
- 3) All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises.
- 4) The liquor store display area shall be at least 1,800 square feet, except for stores in the downtown business district as defined in ACC 8-39, which shall have a display area at least 900 square feet.

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

- 5) Full, free and unobstructed vision shall be afforded to and from the street, public highway or parking lot to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store.
- 6) No liquor store shall be located except on the ground floor of the building, and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public. All liquor stores shall be subject to applicable zoning, land use, building and safety regulations, as adopted within this Code, unless specifically stated otherwise herein.

(Ord. No. 1035, § 1(8-206), 3-17-2015)

8-41 Restrictions Generally

- 1) ***Certain devices and non-employee seating forbidden.*** No pool tables, televisions for viewing by customers, pinball machines, arcade gaming devices, including video games, jukeboxes or similar devices shall be permitted in any liquor store. No seating facilities, other than for employees of the liquor store, shall be permitted in any liquor store.
- 2) ***Time and days of operation.*** No liquor store shall sell or give away any alcoholic beverage between 11:00 p.m. on Saturday and 8:00 a.m. on Monday of each week (no Sunday sales). No liquor store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of 8:00 a.m. and 11:00 p.m. on Monday through Saturday. The store may not be open to the general public except during regular business hours. No liquor store shall be open for business on Thanksgiving Day, Christmas Day, New Year's Day, Labor Day, or the Fourth of July.
- 3) ***Selling or furnishing to persons below the age of 21 years, etc.*** It is unlawful for any licensee to sell, furnish or give away any alcoholic beverage to a person below the age of 21 years, to a person visibly intoxicated, or to any person accompanied by a person who is visibly intoxicated. It is unlawful for any person under the age of 21 years or a person who is visibly intoxicated to enter or remain in a liquor store or to loiter in the immediate vicinity of a liquor store. Employees with appropriate employee permits issued pursuant to state law who are age 18 years and older are permitted in a liquor store for the purpose of engaging in paid employment only. It is unlawful for a person below the age of 21 years to misrepresent his or her age in an attempt to gain admission to a liquor store or in an attempt to buy any alcoholic beverage from a licensee. Any person selling alcoholic beverages within the city shall be required to have produced to the person selling the alcoholic beverages a facially valid government-issued identification showing that the age of the prospective purchaser of the alcoholic beverage is 21 years of age or older. If such identification is not produced by the prospective purchaser, the alcoholic beverage shall not be sold. Such identification shall be required prior to the sale of alcoholic beverages, regardless of the apparent age of the prospective purchaser.
- 4) ***Consumption on premises of liquor store.*** It is unlawful for any licensee to sell any alcoholic beverage for consumption in such licensee's liquor store or on the premises used by the licensee in connection therewith. It is unlawful for any person who is not an employee of the liquor store to consume any alcoholic beverage in the liquor store or in the immediate vicinity of the liquor store. Any consumption of an alcoholic beverage by an employee shall be limited solely to the circumstances permitted and set forth in the rules of the state alcoholic beverage commission and any applicable federal law.
- 5) ***Advertising.*** There shall be no advertising signs of any kind whatsoever outside the building containing a liquor store, either for the liquor store or to advertise any matter pertaining to alcoholic beverages sold at liquor stores, except as set forth herein. There may be placed on the

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

front of a liquor store, but not extending therefrom over 12 inches, a sign setting out the name of the liquor store. Such sign shall not exceed 20 square feet in dimension. No such sign shall contain letters of neon or tube lighting so as to produce lighting within letters. No reader board or changeable copy signs shall be permitted. One freestanding sign shall be allowed on the premises not to exceed 144 square feet. No off-premises signs related to a liquor store shall be allowed within the city. No banner or temporary or permanent sign or other material shall be placed on or inside a liquor store so that it obstructs free and clear vision of the interior of the liquor store from outside of the liquor store. The foregoing notwithstanding, one banner advertising the grand opening of the liquor store shall be permitted for up to two weeks when a liquor store is first opened for business, provided a sign permit for such banner is obtained from the city. In addition, all liquor store signage shall be subject to applicable zoning, building, and safety regulations, as adopted within this Code, unless specifically stated otherwise herein.

- 6) ***Off-premises business.*** All retail sales of alcoholic beverages shall be confined to the premises of the liquor store. No curb service is permitted, nor shall drive-in window service be permitted. A licensee shall not deliver or cause to be delivered any alcoholic beverage from the store premises to the residence or place of business of a consumer. No licensee shall employ any canvasser, agent, solicitor or other representative for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer nor shall any such licensee receive or accept any such order which shall have been solicited and received at the residence or place of business of such consumer. This subsection shall not be construed as to prohibit the solicitation by a state licensed wholesaler of any order from any licensed retailer at the licensed premises.

(Ord. No. 1035, § 1(8-207), 3-17-2015)

8-42 Fees

- 1) ***Inspection fee.*** Pursuant to T.C.A. § 57-3-501, there is levied on each licensee an inspection fee of eight percent on the wholesale price of any alcoholic beverages acquired by the licensee from any wholesaler or any other source. In the event the population of the county exceeds 60,000 according to any subsequent federal census, the inspection fee shall be reduced to five percent on the wholesale price of any alcoholic beverages acquired by the licensee from any wholesaler or any other source. In the event of any subsequent amendments of T.C.A. § 57-3-501, the inspection fee shall be the maximum allowed by T.C.A. § 57-3-501.
- 2) ***Collection.*** Collection of such inspection fee shall be made by the wholesaler or other source vending to the licensee from the licensee at the time the sale is made to the licensee or at the time the retailer makes payment for the delivery of the alcoholic beverages. The licensee shall create and maintain all records specified in the state rules and regulations related to the purchase and sale of alcoholic beverages and preserve these records for a period of at least 15 months unless the city manager gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirements of this subsection.
- 3) ***Reports.*** The city manager shall prepare and make available to each wholesaler and other source vending alcoholic beverages to licensees sufficient forms for the monthly report of inspection fees payable by such licensee making purchase from such wholesaler or other source. Each wholesaler making sales to licensees located within the city shall furnish the city a report monthly, which report shall contain a list of the alcoholic beverages sold to each retailer located within the city,

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

the wholesale price of the alcoholic beverages sold to each licensee, the amount of tax due, and such other information as may be required by the city. The monthly report shall be furnished the city not later than the 20th of the month following which the sales were made. The inspection fees collected by the wholesaler from the licensee shall be paid to the city at the time the monthly report is made. Wholesalers collecting and remitting the inspection fee to the city shall be entitled to reimbursement for this collection service a sum equal to five percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city. Failure to collect or timely report and/or pay the inspection fee collected shall result in a civil penalty of ten percent of the fee due the city, which shall be payable to the city. The city shall have the authority to audit the records of wholesalers reporting to it in order to determine the accuracy of such reports. The city shall have the authority to audit the records of the licensee in order to determine the accuracy of such reports related to the inspection fees. Nothing herein shall relieve the licensee of the obligation of payment of the inspection fee, and it shall be the licensee's duty to see that the payment of the inspection fee for the licensee's liquor store is made to the city on or before the 20th day of each calendar month for the preceding month.

- 4) ***Failure to pay fees.*** The failure of the wholesaler to pay the inspection fees and to make the required reports accurately and within the time required by this chapter may result in the suspension or revocation of the licensee's liquor store privilege license if it is determined by the city that the conduct of the licensee has resulted in the failure of the wholesaler to pay the inspection fees and to make the required reports.
- 5) ***Use of fees.*** All funds derived from inspection fees imposed herein shall be used to defray expenses in connection with the enforcement of this chapter, including particularly the payment and compensation of officers, employees, and other representatives of the city in investigating and inspecting licensees and applicants and in seeing that all provisions of this chapter are observed. The city council finds and declares that the amount of these inspection fees is reasonable and that the funds expected to be derived from these inspection fees will be reasonably required for such purposes.

(Ord. No. 1035, § 1(8-208), 3-17-2015)

8-43 Records Kept By Licensee

- 1) ***Required records.*** In addition to any records specified in the state rules and regulations, each licensee shall keep on file, at such licensee's liquor store, the following records:
 - a) The original invoices of all alcoholic beverages bought by the licensee;
 - b) The original receipts for any alcoholic beverages returned by such licensee to any wholesaler;
 - c) A current daily record of the gross sales by such licensee with evidence of cash register receipts for each day's sales;
 - d) An accurate record of all alcoholic beverages lost, damaged, or disposed of other than by sale and showing for each such transaction the date thereof, the quantity and brands of alcoholic beverages involved and the name of the person receiving the same.
- 2) ***Duration.*** All such records shall be preserved for a period of at least 15 months unless the city manager gives the licensee written permission to dispose of such records at an earlier time. In the event of co-licensees holding a single license, one set of records per liquor store satisfies the requirements of this subsection.

(Ord. No. 1035, § 1(8-209), 3-17-2015)

**ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES**

8-44 Inspections Generally

The city manager, the city finance director, the chief of police or the authorized representatives or agents of any of them are authorized to examine the premises, books, papers and records of any liquor store at any time the liquor store is open for business for the purpose of determining whether the provisions of this chapter are being observed. Refusal to permit such examination shall be a violation of this chapter and shall constitute sufficient reason for revocation of the local liquor store privilege license of the offending licensee or for the refusal to renew the local liquor store privilege license of the offending licensee.

(Ord. No. 1035, § 1(8-210), 3-17-2015)

8-45 Enforcement, Violations And Penalties

Any violation of the provisions of this chapter shall be punishable under ACC 1-13 and in the discretion of the city council, by any combination of a civil penalty of up to \$500.00 per violation, or temporary suspension or permanent revocation of the local liquor store privilege license where appropriate. Enforcement provisions are also applicable as found under state law. In addition to the above, the city council may direct that the city manager notify the state alcoholic beverage commission of any violation of this chapter, together with a petition that the state liquor license be revoked, pursuant to T.C.A. § 57 - 3-101 et seq., and the rules and regulations of the commission.

(Ord. No. 1035, § 1(8-211), 3-17-2015)

8-46 Certificate Of Compliance

As a condition precedent to the issuance of a state liquor retailer's license by the state alcoholic beverage commission, the city council may authorize the issuance of certificates of compliance by the city according to the terms contained herein.

(Ord. No. 1035, § 1(8-212), 3-17-2015)

8-47 Application For Certificate Of Compliance And Local Liquor Store Privilege License

- 1) ***Filing and content.*** An applicant or applicant group for a liquor store shall file with the city manager a completed written application on a form to be provided by the city manager which shall contain all of the following information and whatever additional information the city council or city manager may require:
 - a) The name and street address of each person to have an interest, direct or indirect, in the liquor store as an owner, partner, stockholder or otherwise. In the event that a corporation, partnership, limited liability company or other legally recognized entity is an applicant or member of an applicant group, each person with an interest therein must be disclosed and must provide the information on the application provided by the city;
 - b) The name of the liquor store proposed;
 - c) A statement that the applicant has secured a location for the liquor store business which complies with all of the restrictions and conditions within this chapter and that the liquor store business is not prohibited at this location because of some other provision of this Code or state law. As a part of this statement, the applicant shall provide the address of the proposed liquor store and its zoning designation;

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

- d) The statement that an individual applicant either resides within and has resided within the state and the urban growth boundaries of the city for at least two years immediately prior to the time the application is filed or is a resident of the county and has been so for at least two years immediately prior to the time the application is filed and who owns at least a 50 percent interest in developable land in the city. The statement, if the applicant is an applicant group, whether a partnership, corporation, or limited liability company, that at least 51 percent of the ownership shares or interests in such partnership, corporation, or limited liability company are owned by a natural person who either resides and has resided within the state and the urban growth boundaries of the city for at least two years prior to the time the application is filed, or that at least 51 percent of the ownership shares or interests in such partnership, corporation, or limited liability company are owned by a natural person who resides within the county and has been so for at least two years immediately prior to the time the application is filed and who owns at least a 50 percent interest in developable land in the city;
 - e) A statement that the persons receiving the requested license, to the best of their knowledge, if awarded the certificate of compliance, could comply with all the requirements for obtaining the required licenses under state law and the provisions of this chapter for the operation of a liquor store in the city; and
 - f) The agreement of each applicant or each member of an applicant group, as appropriate, to comply with all applicable laws and ordinances and with the rules and regulations of the state alcoholic beverage commission with reference to the sale of alcoholic beverages and the agreement of each applicant or each member of an applicant group as to the validity and the reasonableness of these regulations, inspection fees, and taxes provided in this title with reference to the sale of alcoholic beverages.
- 2) ***Further documentation.*** The application form shall be accompanied by a copy of each questionnaire form and other material to be filled out by the applicant or each member of the applicant group with the state alcoholic beverage commission in connection with an application for a state liquor retailer's license and, with respect to the store location and building thereon, shall be accompanied by five copies of a scale plan, drawn to a scale of not less than one inch equals 20 feet, giving the following information:
- a) The shape, size and location of the lot upon which the liquor store is to be operated under the license;
 - b) The shape, size, height and location of all buildings, whether they are to be erected, altered, moved or are existing upon the lot;
 - c) The off-street parking space and off-street loading and unloading space to be provided, including the vehicular access to be provided from these areas to a public street; and
 - d) The identification of every parcel of land within 500 feet of the lot upon which the liquor store is to be operated indicating the ownership thereof and the location of any structures thereon and the use being made of every such parcel.
- 3) ***Signatures.*** The application form shall be signed and verified by each person to have any interest in the liquor store either as an owner, partner, LLC member, stockholder or otherwise.
- 4) ***Misrepresentation, concealment of fact and duty to amend.*** If any applicant, member of an applicant group, or licensee misrepresents or conceals any material fact in any application form or as to any other information required to be disclosed by this chapter, such applicant, member of an applicant group, or licensee shall be deemed to have violated the provisions of this chapter and his or her application may be disregarded or his or her license restricted or revoked as deemed appropriate by the city council. Further, no sale, transfer or gift of any interest of any nature, either

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

financial or otherwise, in a liquor store shall be made without first obtaining a replacement license from the city upon the approval of the city council.

- 5) **Fee.** Each application shall be accompanied by a nonrefundable \$500.00 investigation fee. One application fee per applicant group is sufficient.

(Ord. No. 1035, § 1(8-213), 3-17-2015)

8-48 State-Required Certificate Of Compliance

Pursuant to T.C.A. § 57-3-208, an applicant for a state liquor retailer's license, as a condition precedent to the issuance of such license, shall submit with the application to the state alcoholic beverage commission a certificate of compliance containing the information as stated in T.C.A. § 57-3-208. In issuing any certificate of compliance, the city council and city manager will follow and comply with the guidelines and requirements as stated in T.C.A. § 57-3-208. The city council will not consider any application until publication, at the applicant's expense, in a newspaper of general circulation in the county of the notice required by Tenn. Comp. Rules and Regs. 0100-03-.09(10)--(11) has occurred.

(Ord. No. 1035, § 1(8-214), 3-17-2015)

8-49 Restrictions Upon Issuance

- 1) **Certificates of compliance.** The city council shall not issue a certificate of compliance unless the applicant has complied with all the requirements of state liquor statutes, the rules and regulations of the alcoholic beverage commission (Tenn. Comp. Rules and Regs. 0100-03), and this chapter.
- 2) **No violations of chapter.** No certificate of compliance shall be issued unless a license issued on the basis thereof can be exercised without violating any provisions of this chapter.
- 3) **Prerequisites of issuance.** The city manager, upon approval of city council, shall not sign any certificate of compliance for any applicant or applicant group until:
 - a) An application has been filed with the city manager which complies with this chapter and a showing has been made that the applicant has met all the conditions for a certificate of compliance as stated in T.C.A. § 57-3-208;
 - b) The notice required by Tenn. Comp. Rules and Regs. 0100-03-.09(10)--(11) has been published and the public hearing noticed therein has been conducted;
 - c) The location stated in the certificate has been approved by the city council as a suitable location for the operation of a liquor store; and
 - d) The application has been considered at a public meeting of the city council and approved by a vote of at least three members thereof.
- 4) **Time periods for action.** Any applicant or applicant group who has obtained a certificate of compliance as provided herein must open a liquor store in the city within six months or, unless an extension is granted by city council, the certificate will be revoked by the passage of this amount of time, and a certification thereof will be sent to the state alcoholic beverage commission, and the application for a local liquor store privilege license shall be considered canceled and revoked.
- 5) **Granting or denial.** The city council shall decide, within 45 days of request, whether to grant the certificate of compliance.

(Ord. No. 1035, § 1(8-215), 3-17-2015)

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

8-50 Consideration Of Applications For Certificate Of Compliance

In issuing certificates of compliance to enable the licensing of liquor stores in the city as presently permitted by this chapter, the city council will consider all applications filed before a closing date to be fixed by city council and select from such applications the applicants deemed by city council in its sole discretion to have the qualifications required by law and this chapter and the most suitable circumstances for the lawful operation of a liquor store within the city without regard to the order of time in which the applications are filed. Applications can only be submitted to the city during the timeframe the city council has set for receipt of such applications. Applications and all matters submitted with or as a part of such applications at the time they are submitted are the sole and exclusive property of the city.

(Ord. No. 1035, § 1(8-216), 3-17-2015)

8-51 License From City To Operate Liquor Store

After an applicant or applicant group receives a license from the state alcoholic beverage commission to operate a retail liquor store pursuant to T.C.A. § 57-3-101 et seq., in the city, the applicant or applicant group shall apply to the city manager for a local liquor store privilege license to operate a retail liquor store pursuant to the terms, conditions, and restrictions in ACC 8-52 and 8-53.

(Ord. No. 1035, § 1(8-217), 3-17-2015)

8-52 Restrictions On Local Liquor Store Privilege Licenses

- 1) ***Number of licenses.*** The number of local liquor store privilege licenses issued within the city shall be limited to two.
- 2) ***Term renewal.*** Each license shall expire on December 31 of each year. A license shall be subject to renewal each year by compliance with all applicable federal and state law, rules and regulations and the provisions of this chapter.
- 3) ***Display.*** A licensee shall display and post and keep displayed and posted licensee's license in a conspicuous place in the licensee's liquor store at all times.
- 4) ***Transfer.*** A licensee or co-licensee shall not sell, assign or transfer his or her license or any ownership interest therein. No license shall be transferred from one location to another location without the express permission of the city council.
- 5) ***Fees.*** A license fee of \$500.00 is due at the time of application for a local liquor store privilege license and annually prior to January 1 each year thereafter. The initial license shall remain in effect for the remainder of the calendar year when it is first issued so that the first year may not be a full year period. The license fee shall be paid to the city manager before any license shall be issued.

(Ord. No. 1035, § 1(8-218), 3-17-2015; Ord. No. 1124, § 1, 11-21-2023)

8-53 Qualifications For And Restrictions Upon Licensees And Employees

- 1) ***Initial qualification.*** To be eligible to apply for or to receive a local liquor store privilege license, an applicant, or, in the case of an applicant group, each member of the applicant group, must satisfy all of the requirements and conditions, which must be shown and stated in the application submitted to the city council, to request a certificate of compliance with the requirements and conditions in ACC 8-47 incorporated herein by reference and form a part of the qualifications

ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES

which must be met by an applicant before receiving a local liquor store privilege license. In addition, before an applicant is eligible to receive a local liquor store privilege license, the applicant, or, in the case of an applicant group, each member of the applicant group, must satisfy all of the other requirements of this chapter, the requirements of the state alcoholic beverage commission, and all applicable state law, rules and regulations for the holder of a liquor retailer's license.

- 2) ***Public officers and employees.*** No license shall be issued to a person who is a holder of a public office, either appointed or elected, or who is a public employee, either national, state, county or city. It is unlawful for any such person to have any interest in such liquor store, either directly or indirectly, either proprietary or by means of a loan or participation in the profits of any such business. This prohibition shall not apply, however, to uncompensated, appointed members of boards or commissions who have no duties covering the regulation of alcoholic beverages or beer.
- 3) ***Felons.*** No licensee shall be a person who has been convicted of a felony within ten years prior to the time he or she or the legal entity with which he or she is connected shall receive a license, provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In case of such conviction occurring after a license has been issued and received, the license shall immediately be revoked if such convicted felon is an individual licensee and, if not, the partnership, corporation, limited liability company or association with which he or she is connected shall immediately discharge him or her and he or she shall have no further interest therein or else such license shall be immediately revoked.
- 4) ***Employee felons.*** No licensee shall employ in the storage, sale, or distribution of alcoholic beverages any person who, within ten years prior to the date of his or her employment, shall have been convicted of a felony. In the case that an employee is convicted of a felony while he or she is employed by a licensee at a liquor store, he or she shall be immediately discharged after his or her conviction, provided that this provision shall not apply to any person who has been so convicted but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction.
- 5) ***Liquor offenses.*** No license shall be issued to any person who, within ten years preceding application for such license or permit, shall have been convicted of any offense under the laws of the state or any state or the United States regulating the sale, possession, transportation, storing, manufacturing, or otherwise handling of alcoholic beverages or beer.
- 6) ***Disclosure of interest.*** It is unlawful for any person to have ownership in or participate in, either directly or indirectly, the profits of any liquor store unless his or her interest in such business and the nature, extent and character thereof shall appear on the application or if the interest is acquired after the issuance of a license unless it is fully disclosed to the city manager and approved by him or her in a timely manner.
- 7) ***Age.*** No licensee shall be a person under the age of 21 years, and it is unlawful for any licensee to employ any person under the age of 18 years for the physical storage, sale or distribution of alcoholic beverages or to permit any such person under such age in his or her place of business to engage in the storage, sale or distribution of alcoholic beverages.
- 8) ***Interest in only one liquor store.*** A person shall have an interest, either direct or indirect, in no more than one liquor store licensed under this chapter in the city.

(Ord. No. 1035, § 1(8-219), 3-17-2015)

**ATHENS CITY CODE
CHAPTER 8-II LIQUOR STORES**

8-54 Nature Of License; Suspension Or Revocation

The issuance of a license does not vest a property right in the licensee but is a privilege subject to revocation or suspension. Any license shall be subject to suspension or revocation by the city council for any violation of this Code by the licensee or by any person for whose acts the licensee is responsible. The licensee shall be given reasonable notice and an opportunity to be heard before the city council suspends or revokes a license for any violation unless provided otherwise specifically herein. If the licensee is convicted of a violation of this chapter by a final judgment in any court and the operation of the judgment is not suspended by an appeal, upon written notice to the licensee, the city manager may immediately suspend the license for a period not to exceed 60 days, and the city council may revoke or suspend the license on the basis of such conviction thereafter. A license shall be subject to revocation or suspension without a hearing whenever such action is expressly authorized by other provisions of this chapter stating the effect of specific violations.

(Ord. No. 1035, § 1(8-220), 3-17-2015)

Document:

Tenn. Code Ann. § 57-3-208

[< Previous](#)[Next >](#)

Tenn. Code Ann. § 57-3-208

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Current through the 2024 Regular Session.

[Tennessee Code Table of Contents PAW- ET TABLE OF CONTENTS](#) [Title 57](#)
[Intoxicating Liquors](#) [Chapter 3 Local Option – Traffic in Intoxicating Liquors](#) [Part](#)
[2 Licenses and Fees](#)

57-3-208. Certificate required — Contents — Exceptions.

(a) As a condition precedent to the issuance of a license under § 57-3-204, every applicant for a license under that section shall submit with the application to the commission a certificate signed by the county mayor or chair of the county commission in which the licensed premises are to be located if outside the corporate limits of a municipality or, if within a municipality, from the mayor or a majority of the commission, city council, or legislative body of the municipality, by whatsoever name designated, or if the municipality has no mayor, from the highest executive of the municipality.

(b)

(1) The certificate must state:

(A) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application;

(B) That the applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business;

(C) That the applicant or applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction;

(D) The certificate remains valid unless there is a change of ownership or location. If either of these events occurs, a new certificate must be obtained prior to renewal.

(2) Each applicant or officer identified in subdivision (b)(1)(A) must obtain and submit with the certificate a local and national criminal history record obtained from a third party using a multistate criminal records locator or other similar commercial nationwide database with

validation. A criminal history record that indicates that the applicant or officer has not been convicted of a felony within the immediately preceding ten-year period serves as proof satisfactory that the applicant or officer has complied with subdivision (b)(1)(A).

(c) Municipalities and counties are hereby authorized to limit the location of retail liquor stores and the number of licenses issued within their jurisdictions. No local law, ordinance or resolution may limit the location and number of licenses authorized under § 57-3-204, so as to unreasonably restrict the availability of alcoholic beverages for the residents of such municipalities and counties. A local jurisdiction may impose reasonable residency requirements on any applicant. However, if a local jurisdiction does impose such residency requirements, such local jurisdiction shall not be authorized to impose any residency requirement on any applicant who has been continuously licensed pursuant to § 57-3-204 for seven (7) consecutive years.

(d) An applicant may seek review of the denial of a certificate by instituting an action in the chancery court having jurisdiction over the municipality or county within sixty (60) days of the denial.

(e) A failure on the part of the issuing authority to grant or deny the certificate within sixty (60) days of the written application for such shall be deemed a granting of the certificate.

(f) The requirement imposed by this section to submit a certificate shall not be applicable to any applicant if:

(1) The authority of the county or municipality charged with the responsibility to issue the certificate required herein shall have failed to grant or deny the certificate within sixty (60) days after written application for such certificate is filed; or

(2) The applicant submits a final order of a court holding that the denial of the required certificate was unreasonable, as established by subsections (c) and (d).

History

Acts 1939, ch. 49, § 9a, as added by Acts 1949, ch. 284, § 5; C. Supp. 1950, § 6648.14a (Williams, § 6648.12a); Acts 1951, ch. 52, § 2; impl. am. Acts 1963, ch. 257, § 24; Acts 1976, ch. 438, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 16, 36; T.C.A. (orig. ed.), § 57-121; Acts 1980, ch. 894, § 1; 1981, ch. 84, §§ 1, 2; 1993, ch. 451, §§ 1, 2; 2003, ch. 90, § 2; 2015, ch. 269, § 2; 2017, ch. 357, § 1; 2018, ch. 783, § 12; 2019, ch. 136, § 4.

TENNESSEE CODE ANNOTATED

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[< Previous](#)

[Next >](#)



Agenda Item

VI. B. Act on the issuance of a certificate of compliance for 312 S. Congress Parkway.

Overview

Amar M. Patel, the sole owner of the applying entity (Daksh 1212 Corporation), is seeking approval for a certificate of compliance for a retail package store:

Proposed Business Name: Athens Wine & Liquor

Location: 312 Congress Parkway S, Unit #1, Athens, TN 37303

The application packet (attached) includes all required documents for consideration of a Certificate of Compliance for the retail package store, pursuant to Athens City Code Title 8 and T.C.A. § 57-3-208.

Staff Review:

- The Police Department reports no findings but notes a discrepancy with the residency requirement (memo attached).
- The Community Development Department does not recommend approval due to not meeting code requirements (see attached memo).

In accordance with Athens City Code § 8-49(5), *“The city council shall decide, within 45 days of request, whether to grant the certificate of compliance.”*

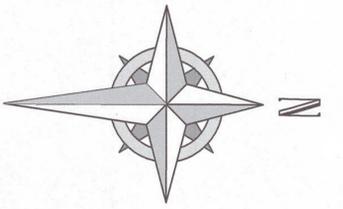
NOTE: Tenn. Code Ann. § 57-3-208(e) states: A failure on the part of the issuing authority to grant or deny the certificate within sixty (60) days of the written application for such shall be deemed a granting of the certificate.

Action to Consider

Motion, second, and majority vote are needed to approve or deny the issuance of a certificate of compliance.

Affected Departments

City Manager’s Office, Community Development, Police, and Finance



Proposed Site Plan for Athens Wine & Spirits

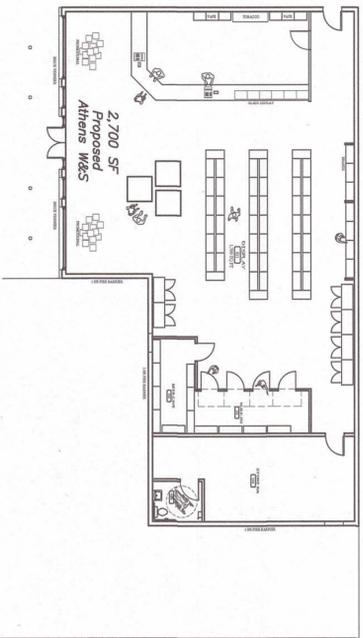
McMinn County Tennessee

City of Athens
Tax Map 058 Group B, Parcel 032.00

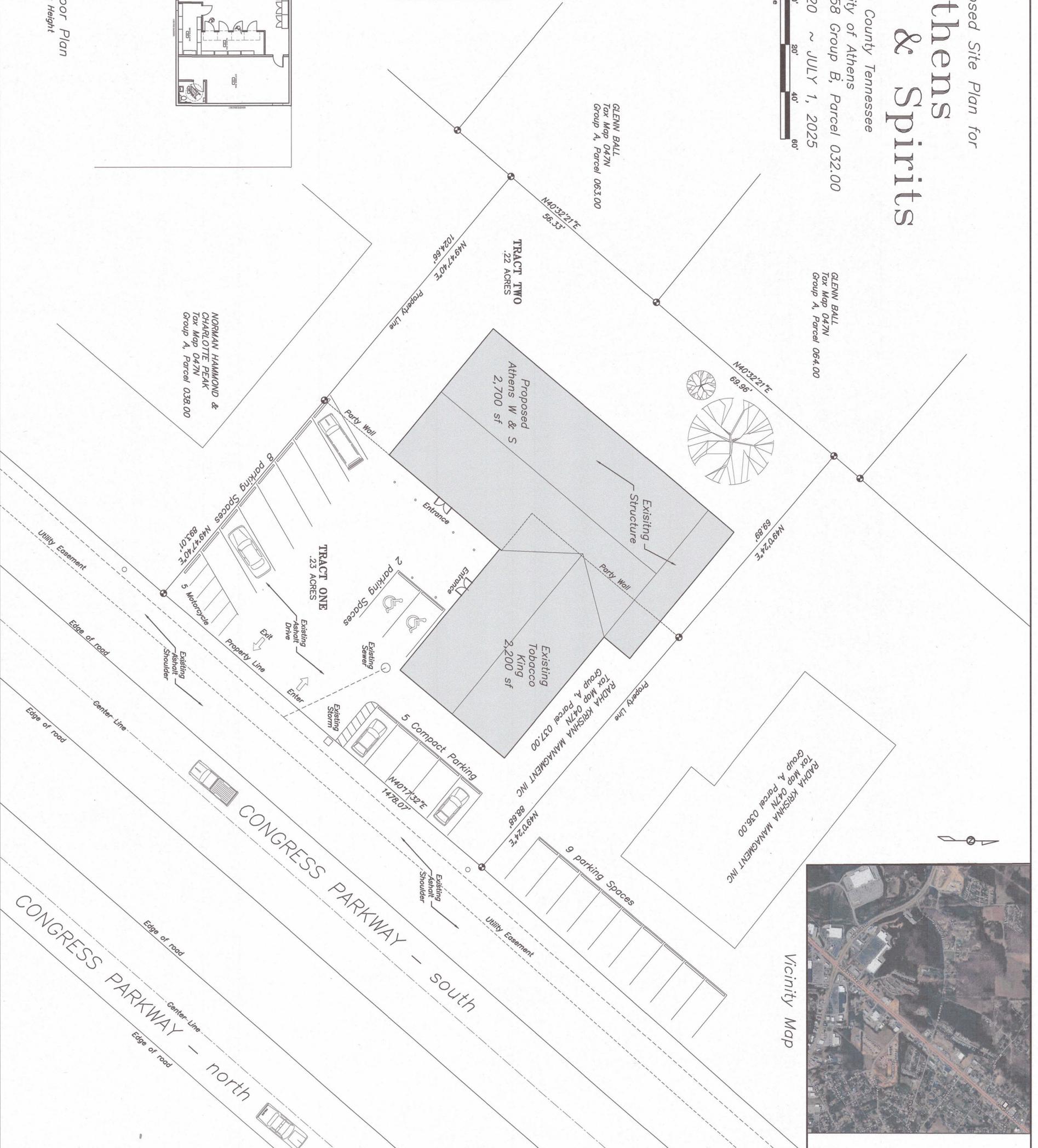
1" = 20' ~ JULY 1, 2025



PARKING P-SF
175
2 HANDICAP 9x20
3 MOTORCYCLE 4x16
3 COMPACT 8x16
16 REGULAR 9x20
Tobacco King = 13 spaces
Athens Wine & Spirits = 15 Spaces
TOTAL: 28 Parking Spaces
Parking Variance Requested



Proposed Floor Plan
21'-4" Building Height

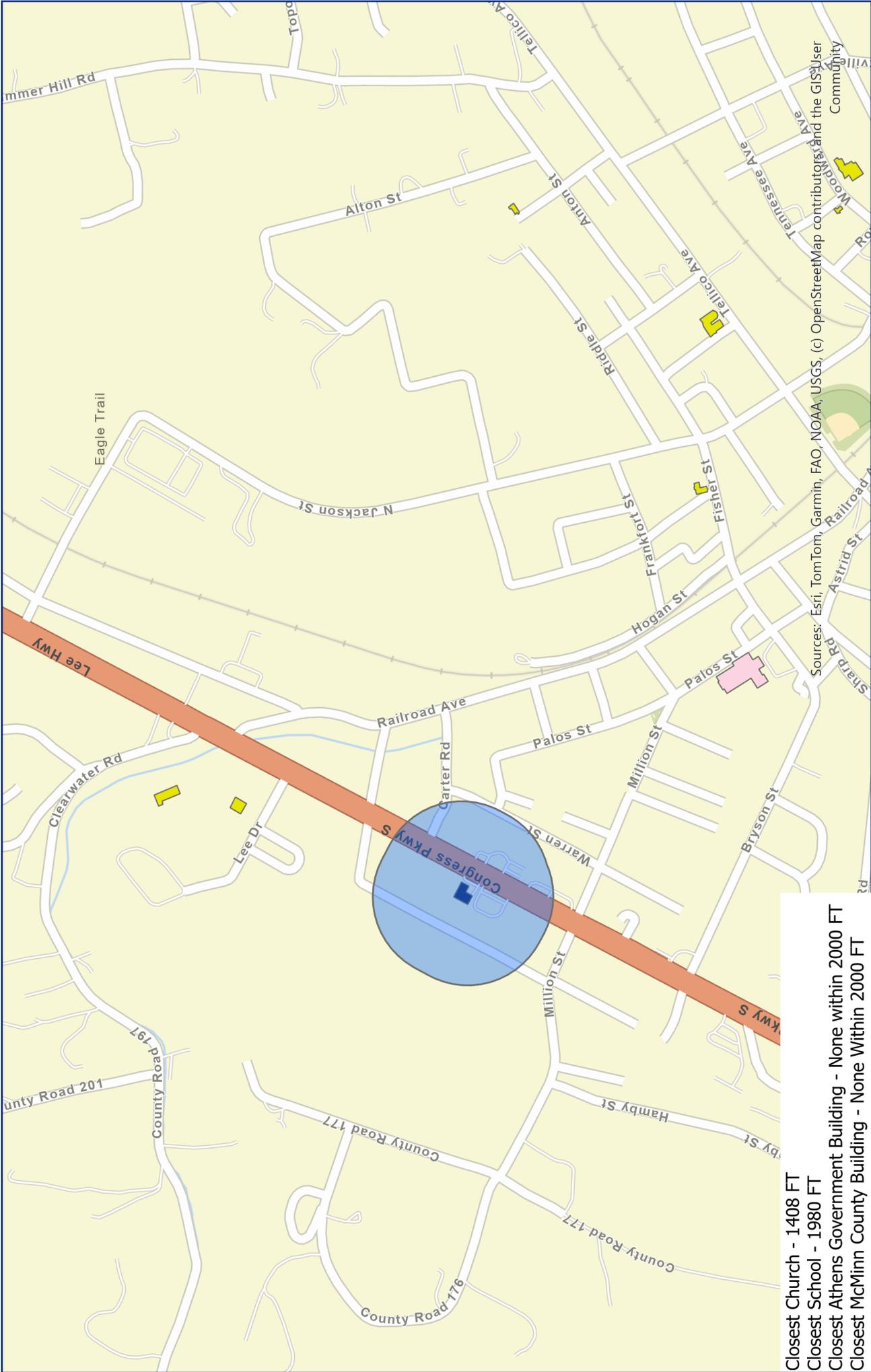


Frank B. Thurston
professional land surveyor
423-404-2606
Post Office Box 1158
Madisonville TN 37354
surveying@tennesseehills.net

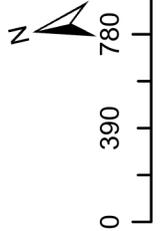


Revisions





Closest Church - 1408 FT
 Closest School - 1980 FT
 Closest Athens Government Building - None within 2000 FT
 Closest McMinn County Building - None Within 2000 FT



Liquor Store Application 312 Congress Pkwy S Unit #1

- School
- 500 FT
- Permit Request Building
- Athens City Government Building
- Church

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

CITY OF ATHENS, TENNESSEE
STAFF REVIEW

As Chief of Police of the City of Athens, Tennessee, I hereby certify that I have reviewed the application and have conducted the necessary investigation as to the applicants' background in compliance with the minimum requirements established by law and have found the following:

No Findings Findings ** Attachment*

Remarks: ok if the applicant can explain
the discrepancies in relation to residency


Chief of Police

7-10-25
Date

As Building Official / Building Inspector of the City of Athens, Tennessee, I hereby certify that I have investigated the premises mentioned above and that it:

does does not; meet the minimum requirements as provided by law.

Remarks: _____

Building Official / Building Inspector

Date

CITY OF ATHENS, TENNESSEE
STAFF REVIEW

As Chief of Police of the City of Athens, Tennessee, I hereby certify that I have reviewed the application and have conducted the necessary investigation as to the applicants' background in compliance with the minimum requirements established by law and have found the following:

No Findings Findings

Remarks: _____

Chief of Police

Date

As Building Official / Building Inspector of the City of Athens, Tennessee, I hereby certify that I have investigated the premises mentioned above and that it:

does does not; meet the minimum requirements as provided by law.

Remarks: SEE ATTACHED SHEET



Building Official / Building Inspector

07-23-2025

Date

8-40 Requirements For Building Containing Liquor Store

1. No liquor store shall be located within a manufactured building as defined in ACC 8-35. All liquor stores shall be located within a newly constructed building or within an existing building to be renovated or refurbished. The plans for any new building or for the renovation or refurbishing of an existing building must be approved by the city community development office and the city council.
2. The front of the building must have a brick facade.
3. All liquor stores shall have night light surrounding the outside of the premises and shall be equipped with a functioning burglar alarm system on the inside of the premises.
4. The liquor store display area shall be at least 1,800 square feet, except for stores in the downtown business district as defined in ACC 8-39, which shall have a display area at least 900 square feet.
5. Full, free and unobstructed vision shall be afforded to and from the street, public highway or parking lot to the interior of the liquor store by way of large windows in the front and to the extent practical to the sides of the building containing the liquor store.
6. No liquor store shall be located except on the ground floor of the building, and it shall have one main entrance opening on a public street, and such place of business shall have no other entrance for use by the public. All liquor stores shall be subject to applicable zoning, land use, building and safety regulations, as adopted within this Code, unless specifically stated otherwise herein.

(Ord. No. 1035, § 1(8-206), 3-17-2015)

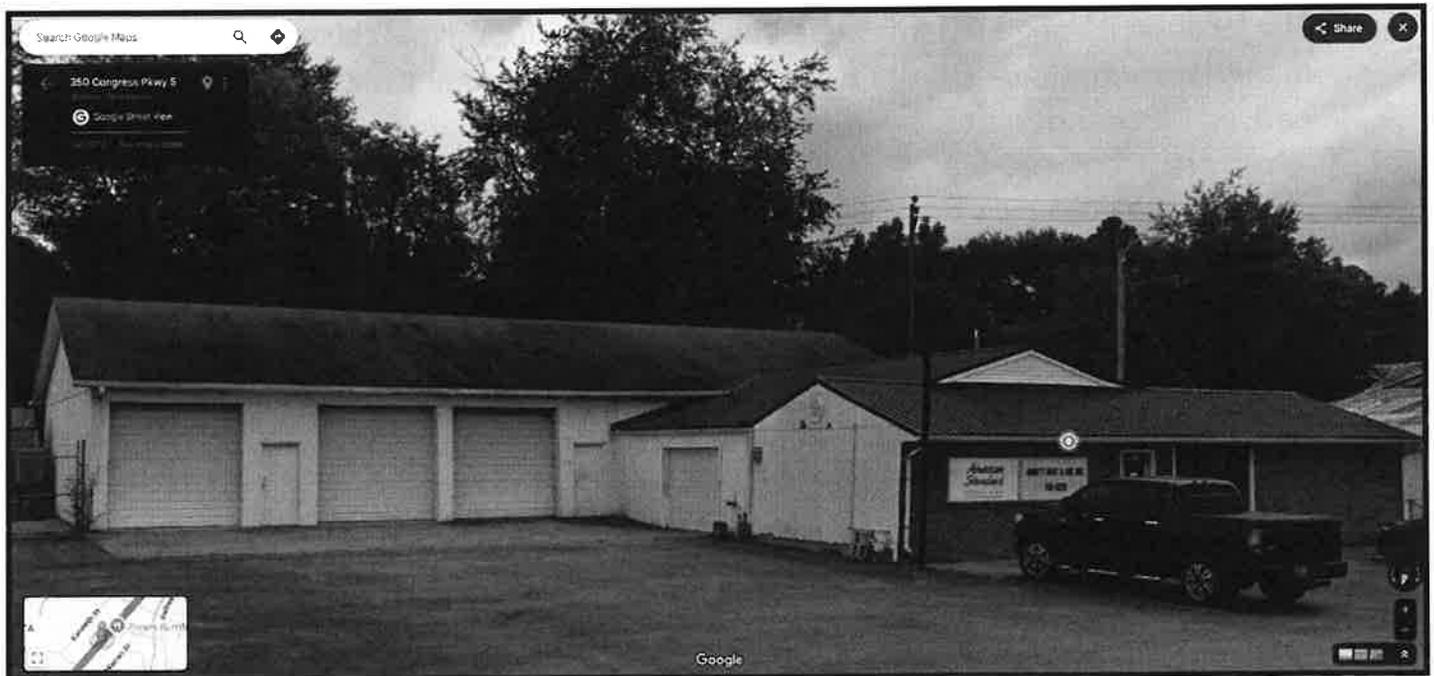
City of Athens COMMUNITY DEVELOPMENT

July 24, 2025

Staff review of liquor store application

I have reviewed the Liquor Store application and plans for Amoz Mahendrakumar Patel to be located at 312 Congress Parkway South. The building does not meet the requirements in its current condition, however the plans submitted do not show the correct footprint of the existing building, as shown in the picture below, however they do show on the concept to meet some of the requirements. Listed below are the findings of the review, listed in order as shown in section 8-40 Requirements for Buildings containing liquor store.

1. This is an existing building to be remodeled to meet the requirements of this ordinance, and the location meets requirements. However, being that it is connected to another building the party wall will have to be constructed as a one (1) hour fire separation wall to meet building code requirements, this wall will have to extend from the concrete floor to the underside of the roof decking.



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BUILDING INSPECTOR
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City of Athens
COMMUNITY DEVELOPMENT

2. The front of the building currently does not meet requirements as it is a concrete masonry wall, however the plans indicate that a brick façade will be placed on the front of the wall to meet requirements.
3. The existing building does not have the required night light surrounding the outside of the building as required by the ordinance nor does it have the required burglar alarm that is also required. The plans submitted do not show these items as to be installed so they do not comply with the requirements.
4. The building shown on the plans does show that the square footage of the display area is greater than 1800 square feet, and this meets the requirements of the ordinance.
5. The existing building does comply with the window requirements of the ordinance, as stated in section 8-40 Requirements for Buildings Containing Liquor Store part 5.
6. The existing building does not comply with the one (1) entrance requirements; however, the plans do show correcting this issue to bring it into compliance.
7. The location is zoned B-3 Intensive business which does allow this type of business in this location. However, the zoning ordinance requirement for parking and the parking lot are not met for this location. The plan shows 2 ADA parking spaces which are 9 feet x 20 feet, 5 motorcycle parking spaces that are 4 feet x 9 feet, 5 compact parking spaces that are 8 feet x 16 feet, and 16 regular parking spaces that are 9 feet x 20 feet which 9 of these spaces are on a different parcel of property. Any remote parking will require approval from the Board of Zoning Appeals per section 4.03.12 of the Zoning Code.

As per the zoning ordinance the minimum size space can be no less than 10 feet x 20 feet and it also gives no exception for motorcycles, or compact vehicles. The 2 ADA spaces do not comply as they are not within the requirements for van accessibility. The requirements state the minimum space size can be 8 feet wide with an 8-foot-wide aisle between the 2 spaces for access, and zoning requires all spaces be on the same lot. Plans call for a parking variance, any variance will have to meet TCA

City of Athens

COMMUNITY DEVELOPMENT

requirements and have the Board of Zoning Appeals approval to be granted. The parking lot must have continuous curb, or wheel stops along spaces located on any property line per Zoning Code Section 4.03.13.E. The maximum width of any access point to the property from Congress Parkway is 30 feet measured at the property line. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress per 4.03.13.A. The access plan will have to meet Section 4.01.B as well.

I have also included the Zoning Code parking requirements and parking lot requirements below:

4.03. OFF-STREET PARKING REQUIREMENTS. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereinafter established. One (1) passenger vehicle space, regardless of parking lot design, shall be determined as two hundred (200) square feet of parking space (dimensions of 10' x 20') and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements and shall not exceed the maximum requirements for the specific uses as set forth below.

*Minimum requirements Retail Shop One (1) space for every three hundred (300) square feet of floor area, plus one (1) space for each business vehicle. **It would require 19 spaces minimum.***

*Maximum requirements Retail Shop One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each business vehicle. **The maximum allowed would be 27 spaces.***

4.01.B. General Access Regulations Applying to All Classifications of Streets:

1. Maximum Width of All Access Points:

The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the Athens Municipal -Regional Planning Commission (AMRPC) may approve a wider channeled access point to allow various turning movements for greater traffic control and safety.

City of Athens

COMMUNITY DEVELOPMENT

2. Temporary Access Ways:

Temporary access ways may be granted by the Planning Commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.

3. Off-Street Parking Lanes Entirely Independent of Certain Public Streets: *In non-residential districts, no off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.*

4. Access for Lots Fronting on More Than One Street:

In all commercial developments where a lot abuts more than one street, the Planning Commission may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets, the number of access points shall conform to those allowed for each street classification (see Subsection C).

5. Gasoline Service Stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required access plan is approved by the AMRPC.

4.03.12. REMOTE PARKING SPACE.

If off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such spaces may be provided on any land deemed usable (i.e. walkability from principal use, size, accessibility from ROW etc.) for the required parking by the Board of Zoning Appeals (BZA). The BZA will set the parameters of each request for remote parking spaces on a case-by-case basis. Such land shall be used for no other purpose. Where owner of the principal use leases parking spaces, the building inspector will require a copy of the lease agreement prior to issuance of the building permit. The owner must present a copy of the lease agreement to the building inspector on an annual basis.

4.03.13 REQUIREMENTS FOR DESIGN OF PARKING LOTS.

A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

B. Each parking space, regardless of type (i.e. angled, parallel etc.) shall be no less than two hundred (200) square feet in area, ten (10) feet by twenty (20) feet.

C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.01 of these regulations.

City of Athens
COMMUNITY DEVELOPMENT

D. The parking lot shall be drained to eliminate surface water. For additional regulations reference the City of Athens "Stormwater Management Policy".

E. Continuous curbing or individual wheel stops shall be provided where the front of a parking space is adjacent to the perimeter of the parking lot.

F. In lots with 90-degree parking spaces, all drive isles shall be a minimum of twenty-four (24) feet in width regardless of traffic flow direction. In lots with angled and parallel parking spaces with two-way drive-isles shall be a minimum of twenty-four (24) feet in width. In lots with angled and parallel parking spaces with one-way drive-isles shall be a minimum of sixteen (16) feet in width.

Gene McConkey CBO
City of Athens
Building Official

GENE MCCONKEY
BUILDING INSPECTOR
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Agenda Item

VI. C. Discuss and potentially act upon proposed updates to Article V - City Council of the Athens City Charter.

Overview

During the June 9, 2025, work session, Councilmember Sherlin initiated discussion regarding a potential amendment to Article V of the Athens City Charter.

Attached is the full text for Athens City Charter: Article V - City Council, sections from the City Charters of Cleveland and Tullahoma which were mentioned in previous discussions, the process for amending the Athens Charter, and the minutes from the July 21, 2025 Council Advisory Committee meeting.

Action to Consider

Motion, second, and majority vote are needed to initiate the process of amending Article V of the City Charter.

Affected Departments

City Council

ARTICLE V City Council

Section 1. Be it further enacted, That the Councilpersons at the first regular meeting after the first and each biennial election, shall elect one of their number mayor for a term of two years, and thus organized, the body shall be known as the City Council. [As amended by Priv. Acts 2024, ch. 60, § 3]

Section 2. Be it further enacted, That any qualified voter of the city who resides in the city shall be eligible for election to the Office of Councilperson, provided that a failure to continue to reside in the city shall vacate such person's office. Councilpersons shall serve no more than three (3) terms. The three-term limit shall begin with the 2024 and 2026 elections. Furthermore, if a Councilperson was appointed mid-term, then that appointed term shall not count toward the three-term limit prescribed herein. [As amended by Priv. Acts 1992, ch. 215, § 2; and Priv. Acts 2024, ch. 60, § 3]

Section 3. Be it further enacted, That no person shall become a Councilperson who shall have been convicted of malfeasance in office, bribery, or other corrupt practice, or crime, or of violating any of the provisions of Section 3645 of the Code of Tennessee in reference to elections, and if any Councilperson shall be so convicted, he shall forfeit his office. [As amended by Priv. Acts 2024, ch. 60, § 3]

Section 4. Be it further enacted, That the salary of the Mayor shall be two hundred fifty dollars (\$250) per month; and the salary of the councilpersons shall be two hundred dollars (\$200.00) per month; and further that the monthly salaries may be adjusted annually at the same percentage rate as given to the full-time employees of the city. [As replaced by Priv. Acts 1986, ch. 121, § 1; further replaced by Priv. Acts 1998, ch. 164, § 3; and as amended by Priv. Acts 2024, ch. 60, § 3]

Section 5. Be it further enacted, That the legislative and all other powers except as otherwise provided by this charter are delegated to and vested in the City Council; and the City Council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City or State to protect the rights of the City.

Section 6. Be it further enacted, That the City Council shall exercise its powers in session duly assembled, and no member or group of members thereof, shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special session.

Section 7. Be it further enacted, That the City Council shall, by ordinance, fix the time and place at which the regular meetings of said board shall be held.

Section 8. Be it further enacted, That whenever, in the opinion of the Mayor or of any two Councilpersons, the welfare of the city demands it, the Mayor shall call special meetings of the City Council upon at least twelve hours written notice served on each Councilperson personally, or left at his usual place of residence. Each call for special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. [As amended by Priv. Acts 2024, ch. 60, § 3]

Section 9. Be it further enacted, That the Mayor shall preside at all meetings of the City Council.

Section 10. Be it further enacted, That when any vacancy in said council shall occur, such vacancy shall be filled by the Councilpersons. The newly elected member shall serve until the third Tuesday in November following the next regular election or until his successor shall be elected and qualified for the unexpired term. [As amended by Priv. Acts 2000, ch. 83, § 2; and Priv. Acts 2024, ch. 60, § 3]

Section 11. Be it further enacted, That at the first meeting of the Council, and thereafter at the first meeting after a general city election, said Council shall choose from its membership a Vice-Mayor to act in the absence or disability of the Mayor.

Section 12. Be it further enacted, That such member shall act as Mayor during any temporary absence or disability of the Mayor, and whenever a permanent vacancy occurs in the office of Mayor, such member shall become Mayor and hold office as such for the unexpired term, and the office of Councilperson thus vacated, shall be filled as otherwise provided herein; and a new Vice-Mayor shall be chosen from the Councilpersons at their next regular meeting. [As amended by Priv. Acts 2024, ch. 60, § 3]

Section 13. Be it further enacted, That a majority of all the members of said Council shall constitute a quorum, but a smaller number may adjourn from day to day or from time to time and may compel the attending of the absentees in such manner and under such penalties as the City Council may provide. Unless otherwise provided in this charter, a majority of all members of the Council shall be required to pass an ordinance, resolution or motion.

Section 14. Be it further enacted, That said City Council may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have power and may delegate it to any committee, to subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction; to call upon its own officers or the chief of police to execute its process, and to arrest and punish by fine or imprisonment, or both, any person refusing to obey such subpoena or order.

Its presiding officer or the chairman of any committee may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered therein. [As amended by Priv. Acts 1994, ch. 180, § 3]

Section 15. Be it further enacted, That all sessions of the Council shall be public, and subject to change of time and/ or place in case of emergency.

Section 16. Be it further enacted, That prior to the end of each fiscal year the Council shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the Council and to the City Manager. Said report shall be entered and become a permanent part of the minutes of a regular meeting of the City Council. This Audit may be conducted on an annual, quarterly, or a continuous basis. Such accountants shall have no personal interest, directly or indirectly, in the fiscal affairs of the city government or any of its officers. The City Council shall cause to be published annually a notice to the general public that an audit opinion has been received and copies are available for review in the Department of Finance. This notice shall be published within 30 days of the deadline for filing such reports with the State Comptroller's office. [As amended by Priv. Acts 1990, ch. 213, § 9; and Priv. Acts 2004, ch. 92, § 1]

Section 17. Be it further enacted, That in the case of the death, resignation or removal of the City Manager, as soon as practicable thereafter, the City Council shall cause an audit to be made of the city books by a certified public accountant.

Section 18. Be it further enacted, That all powers of the city and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council shall have power to:

- (1) Appoint and remove the City Manager;
- (2) Establish other administrative departments and distribute the work of the division;

- (3) Adopt the budget;
- (4) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (5) Appoint the members of the Athens Utilities Board;
- (6) Appoint all other boards, except members of the Board of Education, that may now or hereafter be authorized by law;
- (7) Adopt plats;
- (8) Adopt and modify the official map of the city;
- (9) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts; the density of populations and the location and use of buildings for trade, industry, business, residence or other purposes;
- (10) Provide for safe and sanitary housing accommodations for families of low income;
- (11) Create a housing authority;
- (12) Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas;
- (13) Adopt, modify and carry out plans proposed by the planning commission for the re-planning, improvement and re-development of the neighborhoods and for the re-planning, reconstruction or re-development of any area or district which may have been destroyed in whole or in part by disaster.

Section 19. Be it further enacted, That neither the Council nor any of its members shall request, propose, direct or otherwise attempt to influence the City Manager, or any of his subordinates in the selection, promotion, or demotion, or removal of an employee in any administrative service or activity, or office of the city government. Neither the Council nor the members thereof, shall give any orders to any subordinate of the Manager, either publicly or privately, directly or indirectly.

elected for a term of four (4) years, unless they are being elected to fill an unexpired term. In the general city election held on the first Thursday following the first Tuesday of August 1998, the council member candidate at large receiving the highest number of votes shall be elected for a term of four (4) years and the council member candidate at large receiving the second highest number of votes shall be elected for a term of two (2) years. However, at each and every city election thereafter, the successors to the office of council member at large shall be elected for a term of four (4) years, unless they are being elected to fill an unexpired term. Any mayor and council member shall be eligible for re-election. Nothing in this act shall be construed as having the effect of removing an incumbent from office or abridging the terms of any official prior to the end of the term for which such incumbent was elected. The mayor and council members elected in any general city election shall commence their term by taking their oath of office at the beginning of the first regular council meeting in September following the regular city election or at 3:00 p.m. on the second Monday of September following the regular city election, whichever occurs first. At the first regular city council meeting in September following the regular city election in August 1993, the city clerk shall become acting city manager and shall hold such position until a city manager has been appointed or until the city council appoints a different person as acting city manager. The city council shall proceed with the recruitment and appointment of a city manager and shall have made such appointment by March 31, 1994. During the period of transition the mayor shall retain his right to vote as a member of the city council and shall forfeit his veto power until the five (5) councilmanic districts have been established and the three (3) additional council members have been appointed.

ARTICLE IV

City Council

Section 1. Composition. In accordance with Article III, Section 4, paragraphs 2 and 3, the governing body of Cleveland shall consist of the mayor and seven (7) council members elected by the voters of Cleveland pursuant to the provisions of this charter, and shall be known as the city council. As provided herein, the mayor and two (2) council members shall be elected from the city at-large and the remaining five (5) council members shall be elected from their respective councilmanic districts. The term of office for the mayor and all council members shall be four (4) years; and as herein provided their terms shall be staggered.

Section 2. Election of vice-mayor. The city council, at the first regular meeting in October, 1993, and at the first regular meeting in October following the general city election in every even numbered year thereafter, shall elect one of their number as vice-mayor to carry out the duties of mayor in his/her

absence, for a term of two (2) years. If the office of mayor shall become vacant, the vice-mayor shall automatically become mayor for the remainder of the unexpired term; and in the latter event, the council shall elect another of its members to the office of vice-mayor to serve during the remainder of the unexpired term. The council shall, in accordance with the provisions of Section 7 of this article, fill the vacancy in the council created by the vice-mayor becoming mayor.

Section 3. Qualifications for office. The mayor and council members shall be qualified voters of the city at least twenty-one (21) years of age, and shall hold no other elected public office. No other person shall be eligible for the office of mayor or council member at large unless he shall have been for at least one (1) year next preceding his election a resident of the City of Cleveland. Candidates shall be permitted to file a nominating petition for only one office in any general city election. No person shall be eligible to the district office of council member unless he shall have been for at least one (1) year next preceding his election a resident of the councilmanic district in which he seeks election. No person shall become mayor or council member who has been convicted of malfeasance in office or a crime involving moral turpitude. A mayor or a council member who files a nominating petition for mayor or a council position other than his own and whose own position is not up for re-election must resign his current position as mayor or council member at least thirty (30) days prior to the filing deadline for nominating petitions for the next general city election.

Section 4. Salaries. The city council may set the annual salary of the city council by ordinance, but no ordinance establishing or increasing such salary shall become effective until the expiration of the current terms of the mayor and all council members; provided, however, that until said salaries are so set the salary of the mayor and each council member shall be four hundred dollars (\$400) per month.¹ The council shall adopt an ordinance or resolution authorizing and regulating the reimbursement of municipal officers and employees for the expenses they incur in the performance of the duties of their offices or employment. The mayor and council members shall be entitled to reimbursement under the provisions of that ordinance or resolution.

Section 5. Time and place of meetings. The city council shall, by ordinance, fix the time and place at which the regular meetings of the city council shall be held. Until otherwise provided by ordinance, the regular

¹Ordinance of Sept. 2, 1998 sets the salary of the mayor at \$12,000.00 per annum, payable at \$1,000.00 per month, and the salary for each council member at \$7,200.00 per annum, payable at \$600.00 per month.

Cleveland, TN

C-17

meeting of the city council shall be held at 3:00 p.m. on the second and fourth Monday of each month. When such day falls on a legal holiday, the meeting shall be on the next following day unless otherwise prescribed by the city council. Whenever in the opinion of the mayor or any three (3) council members, the welfare of the city demands it, the city manager shall call a special meeting of the city council.

Section 6. The office of mayor. The mayor shall preside at all meetings of the city council at which he is present, and in his absence, the vice-mayor shall preside, and in the absence of the mayor and vice-mayor, the city council shall designate one of their number to preside. The mayor shall be the ceremonial head of the city. The mayor shall have a voice but no vote, and shall have veto power over all actions of the city council except the appointment of a vice-mayor, the appointment to fill a vacancy on the city council, or the declaration of a vacancy. The mayor must exercise said veto within five (5) days of final adoption by the city council. He shall notify each council member, if available, of his actions, together with his reasons therefor within the five (5) day period. The council shall have thirty (30) days or until the next regular council meeting, whichever comes first, to override said veto. It shall require an affirmative vote of at least five (5) members of the council to override the mayor's veto. Abstentions shall be counted neither as a yes or a no vote.

Section 7. Vacancies. A vacancy shall exist, and the city council shall declare the same, by resolution, if the mayor or a council member either resigns, dies, moves their residence from the city or respective councilmanic district, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, or fails to attend three (3) consecutive regular meetings of the city council without being excused by a majority vote of the city council present and voting. Abstentions shall be counted neither as a yes nor a no vote. Provided, however, that no member of the city council can resign his or her position for the purpose of being appointed to a longer term on the city council. Any vacancy in the city council or the office of mayor shall be filled by appointment made by the remaining members thereof, and the council member so appointed shall be a qualified resident of his or her respective councilmanic district for district positions or the City of Cleveland for the at large positions or the office of mayor and shall serve until the next general city election. The successor elected in the general city election shall serve the remainder of the unexpired term. In the event of the occurrence of any vacancy in the city council or the office of mayor which may, under the provisions of this section, be filled by appointment by the remaining council members, and such remaining council members shall fail or neglect to fill such vacancy within sixty (60) days of its occurrence, it shall be the duty of the election commissioners of Bradley County, upon certification of such facts to them by the mayor or any council member, to call and cause to be held,

Cleveland, TN

C-18

as hereinabove provided, a special election for the purpose of filling such vacancy for the remainder of the unexpired term, provided such certification be made to the election commissioners for Bradley County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election. [As amended by Priv. Acts 2004, ch. 86, replaced by Priv. Acts 2010, ch. 39, § 1, and amended by Priv. Acts 2021, ch. 8]

Section 8. Oath of office. The mayor, council members, and city judge before entering upon their duties, shall each take and subscribe and file with the city manager an oath or affirmation that they will support the Constitution of the United States and of the State of Tennessee and the charter and ordinances of the City of Cleveland, and that they will faithfully discharge the duties of their office.

Section 9. Quorum, attendance, and adjournment. A majority of all the members of said council, excluding vacancies, shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the city council may provide. A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day, or from time to time; but no such adjournment shall be taken to a date beyond the next regular meeting; and any adjourned meeting shall continue as a regular meeting throughout such adjournment.

Section 10. Style and passage of ordinances. The style of all city ordinances shall be: "Be it ordained by the city council of the City of Cleveland." Each ordinance shall be passed at two separate meetings on two separate days before the same is operative. However, at least twelve (12) days shall have lapsed between the first and final passage of any ordinance. A reasonable number of written copies of ordinances shall be available to the public at the meetings and at city hall before the second and final passage by the city council. Ordinances, resolutions and other measures of the city council shall be passed by an affirmative vote of a majority of the council members present and voting. Abstentions shall be counted neither as a yes nor a no vote. [As amended by Priv. Acts 2010, ch. 39, § 2]

ARTICLE V

City Manager

Section 1. City manager appointment, salary, removal. The city council shall appoint and fix the salary of the city manager, who shall serve at the will of the city council. The city manager shall be appointed by virtue of experience and/or educational qualifications for this position. Neither the mayor nor any

Tullahoma, TN

C-6

Sec. 3. Be it further enacted, That the legislative and supervisory power of the city is vested in the Board of Mayor and Aldermen elected under this charter. The Board of Mayor and Aldermen shall consist of the Mayor and six (6) members, chosen by the qualified voters of the city. No person shall be an Alderman unless he be a citizen of the State of Tennessee and a bona fide resident of the city for which he is elected. Any alderman, after his election removing from the city, thereby vacates his said office. [As amended by Priv. Acts 1951, ch. 513, § 1(3)]

Sec. 4. Election, organizational meeting; persons entitled to vote. Any election for Mayor and Aldermen required in Section 5 shall be held on the first Thursday in August. The newly elected Mayor and Aldermen shall be sworn into office and organize on the second Monday in August following their election.

In all elections and referendums held in the City for any purpose, persons who are qualified to vote for members of the General Assembly and who have resided in the City's corporate limits for a time sufficient to be qualified voters in accordance with general law shall be qualified to vote in a City election or referendum. Persons who reside outside the City's corporate limits, but who are a resident of Coffee, Franklin, Bedford or Moore counties and who own, within the City's corporate limits, at least fifty percent (50%) freehold interest in real property, commercial or residential, and assessed for real estate tax purposes for five thousand (\$5,000) or more, shall be qualified to vote in a City election or referendum. However, no more than two (2) persons, based upon the ownership of an individual tract of property regardless of the number of property owners shall be permitted to vote. Such election shall be held as now and as may hereafter be provided by the laws of the State of Tennessee for such elections. [As amended by Priv. Acts 1907, ch. 405, § 1; replaced by Priv. Acts 1974, ch. 241, § 1; and Priv. Acts 1983, ch. 8, § 1; and amended by Priv. Acts 2008, ch. 103, § 10]

Sec. 5. Terms of office, vacancies. The terms of the Mayor and two aldermen elected on the first Thursday in August 2020 shall be extended from the first Thursday in August 2023 until the first Thursday in August 2024, or until their successors are elected and qualified. This will result in an increase of approximately twelve months in the terms of the mayor and aldermen elected in August 2020. Thereafter, elections will be held for these seats for a four year term beginning with the elections held in August 2024.

The terms of the two aldermen elected on the first Thursday in August 2018 shall be extended from the first Thursday in August 2021 until the first Thursday in August 2022, or until their successors are elected and qualified. This will result in an increase of approximately twelve months in the terms of the aldermen elected in August 2018.

Tullahoma, TN

C-7

The terms of office of the two aldermen elected in August 2019 shall not be effected nor extended.

The three candidates who receive the highest number of votes in the August 2022 election shall each be elected for a four year term and thereafter, elections will be held for these seats every four years beginning with the elections held in August 2026.

The candidate receiving the fourth highest number of votes in the August 2022 election shall be elected for a two year term, until the first Thursday in August 2024, or until their successors are elected and qualified. Thereafter, elections will be held for this seat every four years beginning with the elections held in August 2024.

In the event of the vacancy by reason of the death, resignation, or removal of the Mayor or any one (1) or more of the Aldermen, the Board shall have the power to fill the vacancy or vacancies by majority vote of said Board of Mayor and Aldermen, said vacancies to be filled until the expiration of the term of office so vacated. Any appointment(s) required in this section shall be made by majority vote of the Board of Mayor and Aldermen within one month of any vacancy. The Mayor and any Aldermen elected under the provisions of this section shall be so elected until their successor is elected and qualified; except as otherwise provided in the Charter of the City of Tullahoma. [As amended by Priv. Acts 1907, ch. 405, § 1; replaced by Priv. Acts 1974, ch. 241, § 2; amended by Priv. Acts 1979, ch. 59, § 2; and replaced by Priv. Acts 1983, ch. 8, § 2; amended by Priv. Acts 2005, ch. 40; and replaced by Priv. Acts 2021, ch. 17]

Sec. 6. Be it further enacted, That from the date of the passage of this Act, until the election and qualifications of the Mayor and Aldermen provided in this charter, the Board of Mayor and Aldermen of said City of Tullahoma shall be and consist of the present Mayor and Aldermen thereof, to wit: John B. Carroll, Mayor; M. Troxler, Frank McDowell, George Book, W. R. Marshall, Lee Hudson and J. Hufsteller, aldermen, or any successor that may be elected under the provisions of this Act to fill any vacancies that may occur in said board by reason of the death, resignation or removal of any one or more of said Mayor or Aldermen; provided, also, that said Board of Mayor and Aldermen above designated, shall remain in office until their successors are duly elected and installed. [As amended by Priv. Acts 1951, ch. 513, § 1(3)]

Sec. 7. Be it further enacted, That no person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee and a bona fide resident of the city. When two or more shall have an equal number of votes for the office of Mayor, the election shall be decided by the majority of the votes of the council-elect. The Mayor may fill all vacancies occurring in any office except the Aldermen, until the same be filled by the election by the Board of Mayor and Aldermen. It shall be the duty of the Mayor to preside at all meetings of the Mayor and Aldermen, to see that all the ordinances of the city

Tullahoma, TN

C-8

are duly enforced, respected and observed within the city; to take an oath of office before he enters upon the duties of the same, and to call special session of the council when he may deem it expedient. [As amended by Priv. Acts 1951, ch. 513, § 1(3); Priv. Acts 1959, ch. 277, § 1; and Priv. Acts 1963, ch. 39]

Sec. 8. Be it further enacted, That (a) The Mayor and Aldermen shall have full power and authority to appoint officers, servants and agents of the corporation, such as they may deem necessary and provide for by ordinance. They shall also fix the compensation of such officers; provided, however, that the Board of Mayor and Aldermen of the City of Tullahoma, be hereby empowered to create a Board of Education for said City and to establish the number of members of said Board at seven (7).

(b) Be it further enacted, That the board of public utilities, having heretofore been created by the Board of Mayor and Aldermen of the City of Tullahoma pursuant to Tennessee Code Annotated, Sections 6-1507 and 6-1508, is hereby increased from three (3) members to five (5) members. Four (4) members of such board shall be nominated and elected by the Board of Mayor and Aldermen and one (1) member shall be a member of the Board of Mayor and Aldermen, who shall be appointed by the Mayor, pursuant to the provisions of Tennessee Code Annotated, Section 6-1508. The two (2) additional members shall be nominated and appointed as though they were original members, pursuant to Tennessee Code Annotated, Section 6-1508, to serve for initial one (1) and three (3) year terms, respectively, with those members currently serving on such board. All other provisions of Tennessee Code Annotated, Title 6, Chapter 15, not inconsistent herewith are hereby adopted by the City of Tullahoma and incorporated within this charter for all purposes.

(c) Be it further enacted, That the Mayor and/or the Board of Mayor and Aldermen, as the appointing authorities for the officers, servants and agents, such as members of the Tullahoma Utilities Board, Industrial Development Board of the City of Tullahoma, Tennessee, Tullahoma Municipal-Regional Planning Commission, Tullahoma Housing Authority, Tullahoma Board of Education, the Tullahoma Municipal Airport Authority, the Duck River Utility Commission, are hereby empowered to remove any of these officers, servants and agents or members of these boards, commissions or agencies, where removal provisions are not provided for under the laws of the State of Tennessee, the removal procedure shall be accomplished as follows:

(1) The Mayor may remove any officer, servant, agent, or board or commission member appointed by him, for cause, but only after the appointee is given a copy of the charges against him at least ten (10) days prior to a hearing thereon. The date of the hearing shall be set forth in the notice of charges given to the appointee. The notice shall be mailed by certified mail to the appointee at his last known address at least ten (10) days prior to a hearing thereon. The appointee shall have the opportunity to be heard in person or by counsel at the hearing.

Tullahoma, TN

C-9

(2) Any officer, servant or agent or member of any board, agency or commission appointed or elected by the Board of Mayor and Aldermen may be removed, for cause, from office upon a vote of a majority of the members of the board, but only after preferment of formal charges against him. Upon motion of the board, properly approved, written charges shall be furnished to the appointee at least ten (10) days prior to a hearing thereon. The date of the hearing shall be set forth in a written notice of charges to be given to the appointee. The notice shall be mailed by certified mail to the appointee at his last known address, at least ten (10) days prior to a hearing thereon. The appointee shall have an opportunity to be heard in person or by counsel at the hearing. After the hearing, the appointee may be removed upon the affirmative vote of the majority of the members of the Board of Mayor and Aldermen. [As amended by Priv. Acts 1976, ch. 248, § 1; Priv. Acts 1979, ch. 135, § 1; and Priv. Acts 1983, ch. 39, § 1]

Sec. 9.

(a) The corporation aforesaid shall have full power and authority to pass all ordinances necessary to health, convenience, safety and general welfare of the inhabitants within the meaning of this act as fully as if specifically authorized as if the powers were expressly conferred; to have and exercise all powers which now are or hereafter would be competent for this charter to specifically enumerate, as fully and completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this charter shall be held to be exclusive; to construct, purchase, acquire, by condemnation or otherwise, lease, own, operate and maintain an electric power plant and distribution system, telecommunications system, water pumping plant and distribution system, sewage disposal system, and/or any other utilities, or any estate or interest therein or part thereof or the use of any such utility, and to furnish the product or service of any said utilities for its own uses and purposes and to the general public within or without the city; to fix and regulate the charges of such products and services; and the right to sell, lease, mortgage, pledge or otherwise dispose of any said utilities or any part thereof; the right to purchase electric power, telecommunications, gas, water or other products for distribution, for the use of the city and for sale to the general public, and to make all contracts and to do all things in regard to any of such things that may appear advisable for the city; the right to provide "telecommunications service" to any person, firm, corporation or any other user or consumer of telecommunications service as defined hereinbelow; to expend funds of other utility systems for the construction, acquisition, operation, maintenance and improvement of telecommunications facilities provided

PROCESS SUMMARY:

Step 1:

Draft an Amendment that adds a new provision, either a new section or complete modification to the section(s) that would be affected.

Step 2:

Pass a resolution formally requesting the state legislature to amend the private act (Charter) via a new Private Act.

Step 3:

Submit to state legislative delegation (State Representative Mark Cochran and State Senator Adam Lowe). They would then carry the request to the next session of the Tennessee General Assembly, where it must be filed and passed as a Private Act amending the Charter.

Step 4:

Some charter amendments may require ratification by a majority vote of City Council or by voters via referendum, depending on how the private act is worded.

Step 5:

Athens would set up election procedures for the new system with the McMinn County Election Commission.

POSSIBLE TIMELINE:

Due to the many steps in the process of amending the Charter it could take several months to ready the bill for legislative session in January 2026.

- (August / September): Draft an Amendment to Article V.
- (September 16th): Pass a Resolution to officially request the Tennessee General Assembly to amend the City Charter via a new Private Act.
- (October): Submit to state legislative delegation. (deadline is typically in November)
- (January – March 2026): TN General Assembly
- (April – June 2026): Back to Council for ratification.

Advisory Committee Meeting July 21, 2025

Attendees:

Anne Marie Schaffer, Shawn McKeehan, Frances Witt-McMahan, James Fries,
Jo Lundy, Reita Witt, Bill Wilson Report by Patti Greek

Guests: Former Mayor Margaret Mahery

Bridget Roberts, Executive Assistant to the City Manager

We were given several topics to discuss.

1. **Sidewalks around the City.** Currently there are plans for more sidewalks on Dennis Street. The mayor asked if we knew if any other sidewalks should be added—not residential, but on major roads.

Several streets came up; however they were in neighborhoods.

Committee-- no additional streets were added to the list.

2. **Downtown parking.** This is not about the current parking. Taking out the inside lane and adding 16 spaces will help with parking.

Currently we have a police officer “metering parking by photos”.

Thinking years ahead, should we have pre-paid parking? If so, how and where should we put the “box or panel”?

We had an open discussion. All the landlords have enough parking for all the tenants; it is up to the tenants to move their cars off the street during busy times. There are several areas that continue to be busy---by CVS, Apartments and a few retail shops on Washington Ave. I did explain when Officer Queen begins his “metering”, he begins usually at Market Park, corner of North Jackson and Madison. He goes around the square and down the arteries. I believe it takes him about 2 hours to go around the square. Some customers may even receive a bit more time.

It was decided to discuss this project when or if Officer Queen decides if there is an issue.

3. **Election of the Mayor/Changing the number of Council members.**

I asked former Mayor Margaret Mahery to attend this meeting. She was Mayor 20+ years ago and continued working with the State of Tennessee Municipal League of Mayors in Nashville. She knows what it takes to change the charter of a city. So that we can all discuss and be on the “same page”, I made sure the committee had the article from the DPA. And I had the following questions for our discussion:

- Add (1) person to the Council PLUS a Mayor position.
- Athens would need to have “districts”.
- Would this be for the 2026 or 2028 elections?
- A person would need to run ONLY FOR mayor—not City Council—specifically for Mayor. Example the current mayor would run for Mayor not as City Council.
- Councilman Sherlin wanted me to make sure that he and the other councilmen DO NOT want to change the government or limit the City Council.

Discussion began in our group.

First question/statement:

- If this is working why change it?
- This size works (5 Council members), would the vote need to be 5 to 0 in order for it to go to Nashville and change the charter?
- We do not need to have “districts”. Currently if it was one person per district, there are probably 2 council in the same district.
- We do not need more than 5 people.
- We would have to add more money to the budget by adding positions. Plus, costs of travel and training.
- Margaret Mahery added an interesting thought—currently people vote thinking their candidate could be mayor. Because every 2 years a vote takes place after each election.

After discussion—the vote was taken 8 to 0.

Leave the City Council and the Charter as it stands.

The next topic: Pay for Council and Mayor.

Should pay for the Councilmembers and the Mayor be moved from the City Charter and made into an ordinance?

There was a discussion that the council members give many extra hours to answer questions 24/7 to all the citizens. Pay should not be the reason for a person to run, however, in this day and time, maybe they should receive more than \$200 per month.

After discussion, it was voted 8-0 to see if this can be moved to an ordinance and removed from the charter.

I will be at the next work session, August 11th with attendance of the Advisory Committee this year. Our next meeting will be Monday, October 20, 2025, at 6pm.



Agenda Item

VI. D. Discuss and potentially act upon proposed updates to Article XX - Department of Education of the Athens City Charter.

Overview

Mayor Eaton requested consideration of term limits for the Board of Education.

Attached is the full text for Athens City Charter: Article XX - Department of Education and notes on the process of amending the Athens Charter.

Action to Consider

Motion, second, and majority vote are needed to initiate the process of amending Article XX of the City Charter.

Affected Departments

Board of Education

ARTICLE XX Department Of Education

Section 1. Be it further enacted, That the City of Athens is hereby created a separate school district, and there is hereby created a Board of Education of and for the City of Athens, which shall consist of six members, which board shall be a body corporate and may sue and be sued, contract and be contracted with, in its own name. The general school laws of the State in regard to common schools shall apply to the City of Athens so far as the same are not modified herein, and the said district shall be entitled to all sums of money from the public school fund that it would be entitled to receive if the district were organized under the general laws of the State.

Section 2. Be it further enacted, That except as herein otherwise provided, said Board of Education shall have full and exclusive power and authority as trustees or directors, to manage, control and regulate the public or city schools; to maintain and adequately insure all school property; to elect or employ competent and qualified teachers and a Superintendent of Schools; and prescribe all needful rules and regulations for the government, control and operation of said schools and the teachers and superintendent thereof. Said Board of Education shall also adopt and prescribe all necessary rules and regulations for its own conduct, and the dispatch of its business.

Section 3. Be it further enacted, That the qualifications of the members of the Board of Education shall be the same as the qualifications of City Councilpersons as provided in Article V of this Act, and no person shall be eligible as a member of the Board of Education who is a candidate for or a member of the City Council of the City of Athens. The members of said Board shall be elected at the same time and in the same manner as members of the City Council.

Section 4. Be it further enacted, That there are hereby named as members of said Board of Education as follows:

Colmar Allen and Clyde Burns to serve until the first Monday in July, 1953;

Mrs. Henry Boyd and Rufus Houser to serve until the first Monday in July, 1955;

Emory Hamby and Reed Shell to serve until the first Monday in July, 1957.

Section 5. Be it further enacted, That at the regular election for the City Council for the City of Athens on the first Tuesday following the first Monday in November of each even-numbered year three (3) members of the Board of Education shall be elected for terms of four (4) years and until their successors are elected and qualified. The incumbent Board of Education members whose terms expire in July of 1999 shall have their terms extended to the third Tuesday in November of 2000. The incumbent Board of Education members whose terms expire in July of 2001 shall have their terms extended to the third Tuesday in November 2002. The newly elected Board of Education members shall be sworn in and assume their official duties at the first Board of Education meeting following the official certification of the election. [As replaced by Priv. Acts 1997, ch. 25, § 1; and Priv. Acts 1998, ch. 164, § 4; and amended by Priv. Acts 2001, ch. 16, § 1]

Section 6. Be it further enacted, That the Board of Education, in the event of a vacancy shall occur in the membership of said board, caused by death, resignation, removal from the city, or otherwise, shall have the power to provide an incumbent for said office until the next regular city election coming thereafter, at which time, the qualified voters of the City of Athens shall fill said office for the unexpired term.

Section 7. Be it further enacted, That said Board of Education shall, at its first meeting after the official certification of each general city election elect from its number for a one-year term, a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. Upon the expiration of these one-year terms, the Board of Education shall elect from its number a Chairperson, a Vice-Chairperson, a Secretary, and a

Treasurer to serve for a one-year term or until the official certification of a General City Election at which time these offices shall be elected again for a one-year term; provided, however, that the board in its discretion, may combine the latter two (2) officers and may appoint the Superintendent of Schools as its Secretary or Treasurer, either or both. Said Board of Education shall keep minutes of all its proceedings in a well bound book, signed by the Chairperson and attested by the Secretary--said book to constitute a permanent and public record. The Treasurer shall receive and hold all school money for the City of Athens, from whatever source (until disbursed on checks signed by himself and countersigned by the Chairperson); provided, that the Treasurer of said board shall, before entering upon the duties of his office, file a bond with the head of the Department of Finance of the City of Athens, in the minimum sum of five thousand dollars (\$5,000.00), or such other and additional amount as the board may require, endorsed by a responsible indemnity corporation, costs for which shall be paid by check issued by said board conditioned upon the faithful discharge of his duties, which bond shall be approved by the Board of Education.

Checks shall be issued only when adequate funds are available for the purpose and where the particular expenditure is authorized by the school budget hereinafter referred to. (Said Treasurer shall submit a periodic financial statement to the City Council.) [As amended by Priv. Acts 2007, ch. 3, § 2, and replaced by Priv. Acts 2019, ch 7, § 2]

Section 8. Be it further enacted, That the county trustee, the county court clerk of McMinn County, or any other tax collector shall pay over to the Treasurer of the Board of Education of the City of Athens out of all moneys collected by them for school purposes from any sources such portion as by law is applicable to the schools of the City of Athens.

Section 9. Be it further enacted, That salaries of superintendent, principals, teachers and others employed by the schools shall be fixed by the board before their election, and said salary schedule shall be written into the minutes of said Board of Education.

Section 10. Be it further enacted, That the Board of Education shall keep within and shall not at any time exceed the budget provided and authorized by the City Council of the city, with respect to the expense of operating the city school system. The Board of Education shall each year prepare and submit to the City Manager a proposed budget for the ensuing year. Said budget shall be prepared on forms as prescribed in Article XVII, and contain information consistent with that requirement by the State Department of Education, including a detailed estimate of incoming revenue and proposed expenditures. Whenever the funds required for the operation of schools shall exceed the estimated revenues from all other sources, such as State and Federal aid, then the City Council shall provide such funds by the tax levy; provided, however, that if the funds required by said budget from the city shall, in the judgment of the City Council, require a sum greater than can reasonably be furnished by the city, then said Council shall notify the Board of Education. Thereafter, and as soon as practicable, the Board of Education and the City Council shall confer together and, if possible, arrive at a figure to the mutual satisfaction of both. If no such satisfactory figure can be agreed upon, then the Council shall immediately call a referendum. Said referendum shall propose the question of whether the city shall provide the funds required by the proposed budget of the Board of Education or whether the city shall provide such amount as in its judgment can be practically and reasonably provided, such amount to be indicated on the ballot and the voters given a choice between the two amounts. If a majority of the qualified voters of the city voting on said question shall vote for the figure proposed by the Board of Education, then said figure shall be provided by the Council through tax levy; if such majority shall vote for the figures set by the Council, then this latter amount shall be furnished by the city and the Board of Education shall accordingly revise its budget.

Section 11. Be it further enacted, that whenever the Board of Education shall deem advisable the construction of new school buildings, the renovation of existing buildings, or the purchase of real estate for school purposes, it shall present to the City Council the plans for said buildings and/or a description of said real estate, together with the estimated cost of the same. The City Council shall provide the necessary funds by the issuance of bonds as authorized in this Act or any subsequent enabling Act, or

from other available funds; if in the judgment of said Council the necessary funds cannot be reasonably provided, then it shall, by ordinance, provide for submitting the question of whether such funds shall be raised by any authorized issuance of bonds or by other means, to the qualified voters of the city, and if a majority of said voters voting at said election shall vote for providing such sum, then the same shall be provided in the manner and on the conditions named and prescribed in the proposition voted upon. Provided, further, that in the event of construction of school buildings, it shall be the duty and responsibility of the Board of Education to secure plans and specifications and the duty of the Board of Education to let contracts for construction aid supervise and carry out the same. [As amended by Priv. Acts 2004, ch. 92, § 9]

Section 12. Be it further enacted, That the Board of Education of the City of Athens, through its Chairman and Secretary-Treasurer, is authorized and empowered to borrow money to operate and maintain schools in said city and to issue interest bearing notes at the lowest interest rates available as an evidence of such moneys so borrowed, in anticipation of the collection of current school funds. [As amended by Priv. Acts 1977, ch. 60, § 3]

Section 13. Be it further enacted, That no purchase or contract involving over the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3 shall be made or entered into by the Board of Education or its duly authorized representatives without first having received competitive bids, but no purchase shall be made at any one time in an amount which in the aggregate will exceed the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3, unless bids have been requested and award made on bid most advantageous to the city. When the lowest bid is not awarded, the reason for such action shall be given in writing in the minutes of said board. [As amended by Priv. Acts 1986, ch. 121, § 2; Priv. Acts 1992, ch. 215, § 12; Priv. Acts 2002, ch. 114, § 2, and Priv. Acts 2019, ch. 7, § 3]

Section 14. Be it further enacted, That prior to the end of each fiscal year the Board of Education shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the City Board of Education and shall submit their report to the Board of Education and to the City Council. Said report shall be entered and become a permanent part of the minutes of a regular meeting of the Board of Education and of the City Council. This audit may be conducted on an annual, a quarterly, or continuous basis. Such certified public accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the Board of Education or any of its officers.

Section 15. Be it further enacted, That this Act shall in no wise relieve the governing body of said city of the responsibility of furnishing suitable school buildings, equipment and supplies for the operation of the schools.

PROCESS SUMMARY:

Step 1:

Draft an Amendment that adds a new provision, either a new section or complete modification to the section(s) that would be affected.

Step 2:

Pass a resolution formally requesting the state legislature to amend the private act (Charter) via a new Private Act.

Step 3:

Submit to state legislative delegation (State Representative Mark Cochran and State Senator Adam Lowe). They would then carry the request to the next session of the Tennessee General Assembly, where it must be filed and passed as a Private Act amending the Charter.

Step 4:

Some charter amendments may require ratification by a majority vote of City Council or by voters via referendum, depending on how the private act is worded.

Step 5:

Athens would set up election procedures for the new system with the McMinn County Election Commission.

POSSIBLE TIMELINE:

Due to the many steps in the process of amending the Charter it could take several months to ready the bill for legislative session in January 2026.

- (August / September): Draft an Amendment to Article XX.
- (September 16th): Pass a Resolution to officially request the Tennessee General Assembly to amend the City Charter via a new Private Act.
- (October): Submit to state legislative delegation. (deadline is typically in November)
- (January – March 2026): TN General Assembly
- (April – June 2026): Back to Council for ratification.



Agenda Item

VI. E. Discuss and potentially act upon proposed amendments to Title 13-III - Dilapidated and Unfit Structures and Areas of the Athens City Code.

Overview

During the July 7, 2025, work session, Councilmember Sherlin initiated discussion regarding a potential amendment to Title 13, Chapter III of the Athens City Code, which addresses dilapidated and unfit structures within the city limits.

Attached to this overview are the full texts of both Athens City Code Chapter 13-III and the relevant state statutes under T.C.A. Title 13, Chapter 21, and MTAS opinion.

Action to Consider

Motion, second, and majority vote are needed to authorize city staff to prepare an ordinance reflecting the proposed changes. The ordinance could be presented for a first reading at the next regularly scheduled City Council session on August 19th, followed by a public hearing and second reading at the following regularly scheduled session on September 16th.

Affected Departments

Community Development Department

MTAS
Honna Rogers
Melissa Ashburn
7/15/2025 9:43am

The City Council has no role in enforcing the Slum Clearance Act, which may only be enforced by the public officer. The law requires that the governing body appoint a person to enforce an ordinance using authority provided in the law:

(8) "Public officer" means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by ordinance adopted hereunder to exercise the power prescribed by such ordinances and by this part; Tenn. Code Ann. § 13-21-101

The public officer must be certified in the model building codes and/or fire code adopted by the city, as the officer is required to identify code violations with citations to specific code provisions.

The City Council has designated who acts to enforce slum clearance sections of city code. The Athens Code contains this language concerning the public officer: "The code enforcement officer is designated as the officer of the city who is to exercise the powers herein prescribed." The city has a code enforcement department, as our GML lists 2 code enforcement officers. Those code enforcement officers are the only persons authorized by law and the Athens City Code to enforce the code provisions at issue. The City Council has no role and should not be involved in such activities.

CHAPTER 13-III DILAPIDATED AND UNFIT STRUCTURES AND AREAS

13-59 Definitions

13-60 Existence Of Structures Unfit For Human Habitation

13-61 Code Enforcement Officer Designated To Act

13-62 Institution Of Action And Notification By City Manager

13-63 Determination Of And Further Notice By City Manager

13-64 Failure Of Owner To Comply To Vacate And Repair

13-65 Failure Of Owner To Remove Or Demolish

13-66 Creation Of Lien And Payment Into Court

13-67 Conditions Rendering Structure Unfit For Human Habitation And Use

13-68 Service Of Complaints Or Orders

13-69 Enjoining Enforcement Of Order

13-70 Powers Given The City Manager

13-59 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof.

Public authority means any officer who is in charge of any department or branch of government of the city or state relating to health, fire, building regulations, or other activities concerning structures in the city.

Public officer means the city manager or his designated agent who is authorized by this chapter to exercise the powers prescribed by this chapter.

Structure means any building or structure, or part thereof, used and occupied for human habitation or by the public in general or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(Code 1972, § 4-802; Code 1995, § 13-302)

13-60 Existence Of Structures Unfit For Human Habitation

There exists in the city structures which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accident or other calamities; lack of ventilation, light or sanitary facilities; or due to other conditions rendering such structures unsafe or unsanitary or dangerous or detrimental to the welfare of the residents of the city.

(Code 1972, § 4-803; Code 1995, § 13-303)

13-61 Code Enforcement Officer Designated To Act

The code enforcement officer is designated as the officer of the city who is to exercise the powers herein prescribed.

(Code 1972, § 4-804; Code 1995, § 13-304)

13-62 Institution Of Action And Notification By City Manager

When a petition is filed with the city manager by a public authority or by at least five residents of the city charging that any structure is unfit for human habitation, or use in general, or when it appears to the city manager (on his own motion) that any structure is unfit for human habitation or use, the code enforcement officer shall, if, after making a preliminary investigation, such investigation discloses a basis for such charges, issue and cause to be served upon the owner of the parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the city manager (or his designated agent) at a time and place therein fixed not less than ten days nor more than 30 days after the serving of the complaint; that the owners and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city manager or his designated agent. As contained herein, the term "public authority" means any officer who is in charge of any department or branch of the government of the city or the state relating to health, fire, building regulations, or other activities concerning structures in the city.

(Code 1972, § 4-805; Code 1995, § 13-305)

13-63 Determination Of And Further Notice By City Manager

- (1) If, after such notice and hearing as prescribed in ACC 13-62, the city manager determines that the structure under consideration is unfit for human habitation or public use, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof:
 - (a) If the repair, alteration, or improvement of the structure (not exceeding 50 percent of the reasonable value) can be made at a reasonable cost in relation to the value of the structure, an order requiring the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human habitation or public use or if not adequately repaired, altered or improved within the time specified in the order to vacate and close the structure as a human habitation; or
 - (b) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure, an order requiring the owner, within the time specified in the order, to remove or demolish such structure. Rebuilding in violation of existing zoning ordinances will not be permitted.
- (2) The code enforcement officer shall determine the value of the structure in question existing on the land and the value of the land, itself, not to be considered, and, if the structure can be made to conform to such standards as will make it properly habitable by an expenditure of not more than 50 percent of the value, the order referred to in subsection (1) of this section shall contain the alternative in subsection (1)(a) of this section. If an expenditure of more than 50 percent of the value just referred to would be necessary to make the structure properly habitable, the order in subsection (1) of this section shall contain the alternative in subsection (1)(b) of this section.

(Code 1972, § 4-806; Code 1995, § 13-306)

13-64 Failure Of Owner To Comply To Vacate And Repair

If the owner fails to comply with the order under ACC 13-63(a), the city manager may cause such structure to be repaired, altered or improved or be vacated and closed and, in such event, the city manager may cause to be posted on the main entrance of any structure so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(Code 1972, § 4-807; Code 1995, § 13-307)

13-65 Failure Of Owner To Remove Or Demolish

If the owner fails to comply with an order as set forth in ACC 13-63(b), the city manager may cause such structure to be removed or demolished.

(Code 1972, § 4-808; Code 1995, § 13-308)

13-66 Creation Of Lien And Payment Into Court

The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition by the city manager shall be a lien against the real property on which such cost was incurred. If the structure is removed or demolished by the city manager, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the chancery court by the city manager, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 1972, § 4-809; Code 1995, § 13-309)

13-67 Conditions Rendering Structure Unfit For Human Habitation And Use

In addition to the other standards set forth in this chapter, the city manager or his authorized agent may determine that a structure is unfit for human habitation or public use if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structures, the occupants of neighboring dwellings or other residents of the city; such conditions may include the following (but without limiting the generality of the foregoing): defects in increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

(Code 1972, § 4-810; Code 1995, § 13-310)

13-68 Service Of Complaints Or Orders

Complaints or orders issued by the city manager pursuant to the requirements of this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the city manager in the exercise of reasonable diligence and the city manager or his authorized agent shall make affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the county register's office in which the structure is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Code 1972, § 4-811; Code 1995, § 13-311)

13-69 Enjoining Enforcement Of Order

- (1) Any person affected by an order issued by the city manager or his authorized agent may file a bill in the chancery court for an injunction restraining the manager from carrying out the provisions of the order and the court may, upon the filing of such bill, issue a temporary injunction restraining the manager pending the final disposition of the cause; provided, however,

that within 60 days after the posting and service of the order of the city manager, such persons shall file such bill in the court.

- (2) The remedies herein provided shall be exclusive remedies and no person affected by an order of the city manager shall be entitled to recover any damages for action taken pursuant to any order of the city manager or because of noncompliance by such person with any order of the city manager.

(Code 1972, § 4-812; Code 1995, § 13-312)

13-70 Powers Given The City Manager

The city manager is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter including the following powers in addition to others herein granted:

- (1) To investigate or have investigated the condition of structures in the city in order to determine which structures therein are unfit for human habitation.
- (2) To administer oaths and affirmations, examine witnesses and receive evidence.
- (3) To enter upon premises for the purposes of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

(Code 1972, § 4-813; Code 1995, § 13-313)

13-21-101. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) “Dwelling” means any building or structure, or part thereof, used and occupied for human occupation or use or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith;
- (2) “Governing body” means the council, commission, or board, or other legislative body, charged with governing a municipality;
- (3) “Municipality” means any city or town;
- (4) “Owner” means the holder of the title in fee simple and every mortgagee of record;
- (5) “Parties in interest” means all individuals, associations, corporations and others who have interests of record in a structure and any who are in possession thereof;
- (6) “Place of public accommodation” means any building or structure in which goods are supplied or services performed, or in which the trade of the general public is solicited;
- (7) “Public authority” means any housing authority or any officer who is in charge of any department or branch of the government of the municipality or state relating to health, fire, building regulations, or other activities concerning structures in the municipality;
- (8) “Public officer” means any officer or officers of a municipality or the executive director or other chief executive officer of any commission or authority established by such municipality or jointly with any other municipality who is authorized by ordinance adopted hereunder to exercise the power prescribed by such ordinances and by this part; and
- (9) “Structure” means any dwelling or place of public accommodation or vacant building or structure suitable as a dwelling or place of public accommodation.

History

Acts 1939, ch. 152, § 2; C. Supp. 1950, § 3647.30 (Williams, § 3647.43); T.C.A. (orig. ed.), § 13-1201; Acts 1985, ch. 286, §§ 1, 5; 1986, ch. 706, § 1; 1995, ch. 391, § 1.

13-21-102. Structures unfit for human occupation or use — Power of municipalities to demolish — Program to remedy the unsafe conditions caused by the unfinished structure and the suspended construction.

(a) Whenever any municipality of this state finds that there exists in such municipality structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to exercise its police powers to repair, close or demolish the aforementioned structure in the manner herein provided.

(b)

(1) As used in this subsection (b):

(A) “Abandoned construction” means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of one hundred eighty (180) days; and

(B) “Suspended construction” means that construction of an unfinished structure has ceased and that no good faith effort has been made to complete the construction for a period of sixty (60) days.

(2) This subsection (b) applies to any municipality located in any county having a population of not less than one hundred twenty-six thousand six hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) or located in any county having a population of not less than one hundred thirty thousand four hundred (130,400) nor more than one hundred thirty thousand five hundred (130,500), according to the 2000 federal census or any subsequent federal census:

(A) When any municipality to which this subsection (b) applies finds that there are structures in the municipality unfit for human occupation or use because of suspended construction, the municipality may use the procedures in this part to remedy the unsafe conditions caused by the unfinished structure and the suspended construction. All the applicable procedures set out in § 13-21-103 apply, but upon the public officer's finding that construction has been suspended and that the unfinished structure and the suspended construction create conditions that are dangerous or injurious to the health or safety of neighboring residents or the general public or the safety of neighboring structures, the public officer is limited to ordering that construction resume or that the owner make the unfinished structure safe by boarding up the structure, removing construction debris and other safety hazards from the construction area, and otherwise removing or neutralizing health or safety hazards. If the owner fails to take the actions within ten (10) days after being ordered to do so, the municipality may cause the unfinished structure to be boarded up and the debris and other health and safety hazards removed or neutralized. The costs of doing so shall be assessed against the owner and may be collected as provided in § 13-21-103(6).

(B) When the municipality finds that there are structures in the municipality unfit for human occupation or use because of abandoned construction, the municipality may use all the procedures, remedies and rights in this part to deal with the unfinished structure and the abandoned construction. When an unfinished structure meets both the definition of suspended construction and abandoned construction, it may be dealt with as abandoned construction.

(C) An ordinance adopted by a municipality pursuant to this subsection (b) shall provide that the public officer may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in the structure that are dangerous or injurious to the health, safety or morals of the occupants of the structure, the occupants of neighboring structures or other residents of the municipality or to the safety of neighboring structures. These conditions may include, but are not limited to:

(i) Defects increasing the hazards of fire, accident or other calamities;

(ii) Lack of ventilation, light or sanitary facilities;

(iii) Dilapidation;

(iv) Disrepair;

(v) Structural defects;

(vi) Uncleanliness; or

(vii) Suspended construction or abandoned construction.

History

13-21-103. Adoption of ordinances — Required provisions.

Upon the adoption of an ordinance finding that conditions of the character described in § 13-21-102 exist within a municipality, the governing body of the municipality is hereby authorized to adopt ordinances relating to the structures within the municipality which are unfit for human occupation or use. Such ordinances shall include the following provisions, that:

- (1) A public officer be designated or appointed to exercise the powers prescribed by the ordinances;
- (2) Whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any structure is unfit for human occupation or use, or whenever it appears to the public officer, on the public officer's own motion, that any structure is unfit for occupation or use, the public officer shall, if the public officer's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or the public officer's designated agent, at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint, that:
 - (A) The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
 - (B) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer;
- (3) If, after such notice and hearing, the public officer determines that the structure under consideration is unfit for human occupation or use, the public officer shall state in writing the public officer's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:
 - (A) If the repair, alteration or improvement of the structure can be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or
 - (B) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure;
- (4) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the public officer may cause such structure to be repaired, altered or improved, or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation of this building for human occupation or use is prohibited and unlawful";
- (5) If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished; and
- (6) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer, as well as reasonable fees for registration, inspections and professional evaluations of the property, shall be assessed against the owner of the property, and shall, upon the certification of the sum owed being presented to the municipal tax collector, be a lien on the property in favor of the municipality, second only to liens of the state, county and municipality for taxes, any lien of the municipality for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the municipal tax collector or county trustee at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs, they may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes as set forth in §§ 67-5-2010 and 67-5-2410. In addition, the municipality may collect the costs assessed against the owner through an action for debt filed in any court of competent jurisdiction. The municipality may bring one (1) action for debt against more than one (1) or all of the owners of properties against whom the costs have been assessed, and the fact that multiple owners have been joined in one (1) action shall not be considered by the court as a misjoinder of parties. If the structure is removed or demolished by the public officer, the public officer shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the chancery court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court. Nothing in this section shall be construed to impair or

limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

History

Acts 1939, ch. 152, § 3; C. Supp. 1950, § 3647.32 (Williams, § 3647.44); T.C.A. (orig. ed.), § 13-1203; Acts 1985, ch. 286, §§ 2, 3, 5; 1989, ch. 298, § 1; 1991, ch. 515, § 2; 1993, ch. 210, § 2; 2005, ch. 3, § 1.

13-21-104. Conditions rendering structure unfit for human occupation or use.

An ordinance adopted by a municipality under this part shall provide that the public officer may determine that a structure is unfit for human occupation or use if the public officer finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring structures or other residents of such municipality. Such conditions may include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. Such ordinance may provide additional standards to guide the public officer, or the public officer's agents, in determining the fitness of a dwelling for human occupation or use.

History

Acts 1939, ch. 152, § 4; C. Supp. 1950, § 3647.33 (Williams, § 3647.45); T.C.A. (orig. ed.), § 13-1204; Acts 1985, ch. 286, § 5.

13-21-105. Service of complaints or orders.

Complaints or orders issued by a public officer pursuant to an ordinance adopted under this part shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the municipality, or in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the structures are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed for record in the register's office of the county in which the structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

History

Acts 1939, ch. 152, § 5; C. Supp. 1950, § 3647.34 (Williams, § 3647.46); T.C.A. (orig. ed.), § 13-1205; Acts 1985, ch. 286, § 5.

13-21-106. Enjoining enforcement of order.

(a) Any person affected by an order issued by the public officer may file a bill in the chancery court for an injunction restraining the public officer from carrying out the order, and the court may, upon the filing of such bill, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, that within sixty (60) days after the posting and service of the order of the public officer, such person shall file such bill in the court. Hearings shall be had by the court on such bills within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar.

(b) The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of noncompliance by such person with any order of the public officer.

History

Acts 1939, ch. 152, § 6; C. Supp. 1950, § 3647.35 (Williams, § 3647.47); T.C.A. (orig. ed.), § 13-1206.

13-21-107. Powers given public officer by ordinance.

An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted, to:

- (1) Investigate conditions in the municipality in order to determine which structures therein are unfit for human occupation or use;
- (2) Administer oaths, affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) Appoint and fix the duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of the ordinances; and
- (5) Delegate any of such public officer's functions and powers under the ordinance to such officers and agents as the public officer may designate.

History

Acts 1939, ch. 152, § 7; C. Supp. 1950, § 3647.36 (Williams, § 3647.48); T.C.A. (orig. ed.), § 13-1207; Acts 1985, ch. 286, §§ 4, 5.

13-21-108. Estimate of annual expenses and costs.

The governing body of any municipality adopting an ordinance under this part shall, as soon as possible thereafter, prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the structures in such municipality, for the purpose of determining the fitness of such structures for human occupation or use, and for the enforcement and administration of its ordinances adopted under this part, and any such municipality is authorized to make such appropriation from its revenues as it may deem necessary for this purpose, and may accept and apply grants or donations to assist it in carrying out such ordinances.

History

Acts 1939, ch. 152, § 8; C. Supp. 1950, § 3647.37 (Williams, § 3647.49); T.C.A. (orig. ed.), § 13-1208; Acts 1985, ch. 286, § 5.

13-21-109. Part confers supplementary powers.

Nothing in this part shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law.

History

Acts 1939, ch. 152, § 9; C. Supp. 1950, § 3647.38 (Williams, § 3647.50); T.C.A. (orig. ed.), § 13-1209.

13-21-110. Violation of order to vacate structure declared unfit for human occupation — Authorizing or facilitating occupancy — Penalty.

- (a) Any occupied structure declared unfit for human occupation or use shall be immediately vacated as ordered by the public officer designated or appointed to exercise the powers prescribed by any ordinance adopted pursuant to the authority of this part.
- (b) Any person who violates an order to vacate a structure declared unfit for human occupation or use commits a Class B misdemeanor.
- (c) Any owner, manager, or person responsible for a structure declared unfit for human occupation or use who authorizes or facilitates the occupancy of the structure commits a Class B misdemeanor.

History

Acts 2015, ch. 244, § 1.

206 Stansberry Street, Athens, TN



2019 Hammerhill Road, Athens, TN





Nash Dr.
Parcel ID = 065B C 018.00
William O. Johnson & Mary Jane



1504 View St.
Parcel ID = 065B C 020.00
John H. Harman & Anna



1615 Betts St.
Parcel ID = 057A A 049.00
James Sheldon



206 Sharp Road
Parcel ID = 056F A 27.00
Bret & Julia Lee Davis



205/209 Sharp Road
Parcel ID = 056F B007.00
Michael Tudor



121 Sage Street
Parcel ID = 056O A 042.00
Arnold Myrtle &* Phyllis A. Chrisman



206 Rose Drive
Parcel ID = 056 xxxxx



102 Euclid Avenue
Parcel ID = 056L A 042.00
Angela K. McKinney



604 Railroad Avenue
Parcel ID = 056L A 041.00
Anthony E. McKeehan



815 Central Avenue
Parcel ID = 057I C 011.00
Kathrine Pritchett